

# **JOURNALS**

OF THE

## **SENATE & HOUSE OF COMMONS**

OF THE

### **GENERAL ASSEMBLY**

OF THE

## **STATE OF NORTH-CAROLINA,**

AT THE

**SESSION OF 1827-28.**

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**RALEIGH:**

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## JOURNAL OF THE SENATE.

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At a General Assembly, begun and held in the City of **RALEIGH**, on Monday, the 19th day of November, in the year of our Lord one thousand eight hundred and twenty seven, and in the fifty-second year of the **INDEPENDENCE OF THE UNITED STATES OF AMERICA**, it being the first session of this General Assembly:

On which day, being that appointed by Law for the meeting of the General Assembly, the following members of the Senate appeared, produced their credentials, were qualified agreeably to Law, and took their seats, to wit:

From <i>Anson County</i> , Joseph Pickett,	<i>Iredell</i> , Abner Franklin,
<i>Ashe</i> , Alex. B. M'Millan,	<i>Lenoir</i> , Nathan B. Whitfield,
<i>Beaufort</i> , Jas. O. K. Williams,	<i>Lincoln</i> , Michael Reinhardt,
<i>Bertie</i> , George O. Askew,	<i>Martin</i> , Joseph J. Williams,
<i>Bladen</i> , John Owen,	<i>Mecklenburg</i> ,
<i>Brunswick</i> , Benjamin R. Locke,	<i>Montgomery</i> , Edmund Deberry,
<i>Buncombe</i> , Athan A. M'Dowell,	<i>Moore</i> , Alexander M'Neill,
<i>Burke</i> , Merrit Burgin,	<i>Nash</i> , Nicholas Drake,
<i>Cabarrus</i> ,	<i>New Hanover</i> ,
<i>Camden</i> , Willis Wilson,	<i>Northampton</i> , Exum Hallamon,
<i>Carteret</i> , Nathan Fuller,	<i>Onslow</i> ,
<i>Caswell</i> , Bartlett Yancy,	<i>Orange</i> , William Montgomery,
<i>Chatham</i> , Joseph Ramsay,	<i>Pasquotank</i> , John L. Bailly,
<i>Chowan</i> , William Walton,	<i>Perquimons</i> , Willis Riddick,
<i>Columbus</i> ,	<i>Person</i> , Robert Vanhook,
<i>Craven</i> , Richard D. Spaight,	<i>Pitt</i> , John Joiner,
<i>Cumberland</i> , Lauchlin Bethune,	<i>Randolph</i> , Alexander Gray,
<i>Currituck</i> , Samuel Salyear,	<i>Richmond</i> , Erasmus Love,
<i>Davidson</i> , John M. Smith,	<i>Robeson</i> , Archibald M'Eachin,
<i>Duplin</i> , Andrew Hurst,	<i>Rockingham</i> ,
<i>Edgecomb</i> , Louis D. Wilson,	<i>Rowan</i> , John Scott,
<i>Franklin</i> , James Howze,	<i>Rutherford</i> , Martin Shuford,
<i>Gates</i> , Abraham Harrell,	<i>Sampson</i> , Hardy Royall,
<i>Granville</i> , James Nuttall,	<i>Stokes</i> , Esmanuel Shober,
<i>Greene</i> , Jesse Speight,	<i>Surry</i> , William P. Dobson,
<i>Guilford</i> , Jonathan Parker,	<i>Tyrrell</i> , John B. Beasley,
<i>Halifax</i> , Isham Matthews,	<i>Wake</i> , Charles L. Hinton,
<i>Haywood</i> , Thomas Love,	<i>Warren</i> , Micajah T. Hawkins,
<i>Herford</i> , David O. Askew,	<i>Washington</i> , Samuel Davenport,
<i>Hyde</i> , Benjamin Saunderson,	<i>Wayne</i> , Gabriel Sherard,
<i>Johnston</i> , David Thomson,	<i>Wilkes</i> , Edmund Jones.
<i>Jones</i> , Risdan M. M'Daniel,	



A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Wilson, of Edgecomb, Bartlett Yancy, Esquire, the Senator from the county of Caswell, was unanimously chosen Speaker, and was conducted to the chair; after which he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Love, of Haywood, James W. Clark was appointed Clerk of the Senate.

On motion of Mr. Sherard, the Senate proceeded to the election of the Assistant Clerk; whereupon the following persons were nominated for that appointment, to wit: Robert H. Helme, William M. Sneed, Samuel F. Patterson, Archibald R. Ruffin, Henry M. Miller, John C. Stedman and Robert W. Goodman. Mr. Speight of Greene and Mr. Wilson of Edgecombe were appointed superintendents of the balloting.

On motion of Mr. Vanhook, Thomas B. Wheeler was appointed Principal Doorkeeper to the Senate. On motion of Mr. Gray, Robert Ray was appointed Assistant Doorkeeper.

Mr. Wilson, of Edgecomb, from the committee appointed to superintend the balloting for Assistant Clerk, reported that no person in nomination had a majority of votes; whereupon, on motion of Mr. Wilson, of Edgecomb, another balloting was ordered, and to be conducted by the same superintendents. Mr. Wilson, of Edgecomb, from the committee appointed to conduct the balloting for Clerk Assistant, reported that no person in nomination had a majority of votes. On motion of Mr. Wilson, of Edgecomb, a further balloting was ordered for the Clerk Assistant; and the superintendents heretofore appointed for that purpose, were ordered to conduct it; and, on motion of Mr. Spaight, of Craven, the name of Robert H. Helme was withdrawn from the nomination.

On motion of Mr. Love, of Haywood, ordered that the rules of the Senate of the last session of the Legislature be the rules of order and decorum for the government of the Senate during the present session; and that they be printed, one copy for each member.

Mr. Wilson, of Edgecomb, from the committee appointed to superintend the balloting for Clerk Assistant, reported that Samuel F. Patterson, having a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Sherard, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organized, and ready to proceed on public business, having appointed Bartlett Yancy, Esquire, Speaker; James W. Clark, Clerk; and Samuel F. Patterson, Clerk Assistant; and Thomas B. Wheeler and Robert Ray, Doorkeepers.

On motion of Mr. Hawkins, ordered that a message be sent to the House of Commons, proposing the appointment of a joint select committee, to wait on the Governor, and inform him that the Legislature has convened agreeably to law, and is now ready to receive any communication he may think proper to make.

Thereupon the Senate adjourned until to-morrow morning, ten o'clock.

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TUESDAY, NOVEMBER 20, 1827.

Lawson H. Alexander, the Senator from the county of Cabarrus, and Thomas Devane, the Senator from the county of New Hanover, appeared, produced their credentials, were qualified, and took their seats.



Received from the House of Commons a message, stating the due organization of that branch of the Legislature, by the appointment of James Iredell, Speaker; Pleasant Henderson, Clerk; Charles Manly, Clerk Assistant; John Lumsden and Richard Roberts, Doorkeepers; and that they are prepared to enter upon public business.

Received also a message from that House, agreeing to the proposition of the Senate, to appoint a joint select committee to wait on the Governor, and to inform him of the organization of the Legislature, and of their readiness to receive any communication he may be pleased to make to them; and appointing of the committee, on the part of that House, Mr. Newland and Mr. Gary. Mr. Hawkins and Mr. Shober were appointed of the committee on the part of the Senate.

A message was received from the House of Commons, proposing the appointment of a joint select committee to prepare and report joint rules for the regulation of the intercourse between the two Houses; which proposition was agreed to, and Mr. Owen, Mr. Spaight of Craven, and Mr. Pickett were appointed of the committee on the part of the Senate.

Mr. Speight of Greene, announced the death of John Haywood, Public Treasurer of this State. Whereupon, on motion of Mr. Speight, of Greene,

*Resolved*, That this House deeply deplore the loss the public has sustained in the death of John Haywood, Esquire, the long tried and faithful Treasurer of the State.

*Resolved*, As a token of the deep respect we feel, and the great affection and veneration we have for the character and virtues of the deceased, that the members of this House, with the Speaker at their head, attend his funeral in procession at the hour of three o'clock this afternoon; and that we wear crape on the left arm during the remainder of the session.

*Resolved*, That this House abstain from any further business during this day; and that a committee of five members be appointed to join a like committee on the part of the Commons, to confer with the family, and make suitable arrangements for the procession to the tomb of the deceased.

Mr. Speight of Greene, Mr. Jones, Mr. Wilson of Edgecomb, Mr. Love and Mr. Riddick, were appointed of the committee on the part of the Senate.

And the Senate adjourned until this afternoon, 2 o'clock.

#### TUESDAY EVENING, 2 O'CLOCK.

Mr. Speight, of Greene, from the committee appointed to confer with the family of the late John Haywood, Esquire, and make suitable arrangements for the procession to the tomb of the deceased, reported that the procession for the interment of John Haywood, Public Treasurer of North Carolina, will form on the public square, east of the State House, march to the late dwelling of the deceased, and there join the family, relatives and friends of the deceased, and in the following order return to the Presbyterian Church, to attend a funeral discourse: thence, in the same order, to return to the place of interment.

#### ORDER OF PROCESSION.

- 1st. The corpse, with three pall bearers on each side.
- 2d. The family and relatives of the deceased.
- 3d. The Reverend Clergy.
- 4th. His Excellency the Governor and Heads of Departments,
- 5th. The Judicial Officers of the State.
- 6th. The Speakers of the Senate and House of Commons.



## JOURNAL OF THE SENATE.

7th. The Committee of Arrangements.

8th. Members of the Senate and Clerks.

9th. Members of the Commons and Clerks.

10th. Officers of the two Houses.

11th. Citizens and Strangers.

*Resolved*, That General Thomas Love, Gen. Alexander Gray and Col. Willis Ridick, of the Senate; and Col. Joseph Gillespie, Col. Daniel Glisson and Col. Enoch Foy, of the Commons, be requested to act as pall-bearers.

*Resolved*, That the Rev. Doct. M'Pheeters be requested to perform the funeral obsequies at 3 o'clock this afternoon.

*Resolved*, That General Beverly Daniel be requested to act as Marshal of the day.

The report was concurred in; and then the Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, NOVEMBER 21, 1827.

Received from the House of Commons a message, of the date of yesterday, proposing to ballot for three Engrossing Clerks at the meeting of the two Houses on to day, and stating that Robert W. Goodman, Wilson B. Hodges, Thomas Dewes, Robert H. Helme, Thomas G. Stone, Edmund F. Lilley, William J. Cowan, William E. Troy, John K. Campbell, Henry M. Jasper, James Irwin, John Hill and Calvin Covington are nominated for the appointment; which proposition was agreed to. On motion of Mr. Williams, of Martin, James H. Johnston, and, on motion of Mr. Matthews, Robert Ransom was added to the nomination. Thereupon Mr. Williams of Martin and Mr. M'Millan were appointed superintendents of the balloting, and the House of Commons informed thereof by message.

Received from the House of Commons a further message, stating that Mr. Marshall and Mr. Busbee attend the Senate as superintendents of the balloting for three Engrossing Clerks; and that the name of Joshua E. Lumsden is added to the nomination.

Mr. Hawkins, from the committee appointed to wait on the Governor, reported that the committee were authorised to state, that he would make a communication to the Legislature at 12 o'clock this day.

On motion of Mr. Hawkins,

*Resolved*, That the Speaker of the Senate assign suitable places in the Senate Chamber for one or more stenographers for this session.

Edward T. Brodnax, the Senator from Rockingham county, appeared, produced his credentials, was qualified, and took his seat.

Received from the House of Commons a message from the Governor, accompanied with a proposition from that House, that the message be printed, one copy for each member of the Legislature; which proposition was concurred in, and the House of Commons were informed thereof by message.

Mr. Williams, of Martin, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported that no person in nomination had a majority of votes.

Received from the House of Commons a message, proposing that another balloting immediately take place for the three Engrossing Clerks; and stating that the name of Joshua E. Lumsden is withdrawn; which proposition was agreed to, and a message was sent to the House of Commons, stating that Robert Ransom is also withdrawn, and that Mr. Beasley and



Mr. Ramsay are appointed superintendents of the balloting. Whereupon a message was received from the House of Commons, appointing Mr. Gary and Mr. Lewis superintendents of the balloting on the part of that House.

Mr. Williams, of Martin, presented a petition of William D. Taylor, of Martin county, praying to be divorced from his wife Nancy. Whereupon, on motion of Mr. Williams, of Martin, a committee on Divorce and Alimony was appointed.

The committee consists of Messrs. Williams, of Martin, Joiner, Parker, Gray and Mathews.

Ordered that the petition of William D. Taylor, of Martin county, be referred to the said committee.

Mr. Owen, from the joint select committee, to whom was referred the resolution instructing them to report joint rules for the regulation of the intercourse between the two Houses, made a report, which was read, and the resolution therein contained, was concurred in by the Senate, as follows:

*Resolved*, That the joint rules, adopted in the year eighteen hundred and twenty-four, as the permanent joint rules for the government of the intercourse between the two Houses, be printed, one copy for each member of this General Assembly.

On motion of Mr. Pickett,

*Resolved*, That the Senate do now proceed to the appointment of the standing committees, pursuant to the rules and orders of the Senate.

And a Committee of Finance, on the part of the Senate, was appointed, consisting of Messrs. Love, of Haywood, Deberry, Vanhook, Bethune, Owen, Spaight, of Craven, Wilson, of Edgecomb, and Bailey; and a message sent to the House of Commons, informing them thereof.

A committee of claims was appointed, consisting of Messrs. Jones, Alexander, Gray, M'Eachin, Ward, Whitfield, Matthews and Askew of Hertford.

A committee of Propositions and Grievances was appointed, consisting of Messrs. M'Dowell, Shober, Montgomery, Love of Richmond, Hurst, Sherard, Hawkins and Askew of Bertie.

A committee of Privileges and Elections was appointed, consisting of Messrs. Burgin, Scott, Hinton, M'Neill, Locke, Thompson, Howze and Wilson of Camden.

And then the Senate adjourned until to morrow, 10 o'clock.

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THURSDAY. NOVEMBER 22, 1827.

Mr. Ramsay, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported that Thomas G. Stone is elected; and that no other person in nomination had a majority of votes.

Received from the House of Commons a message, proposing to ballot immediately for two Engrossing Clerks; which proposition was agreed to, and Messrs. Drake and Askew were appointed to conduct the balloting, and the House of Commons informed thereof by message. Whereupon a message was received from the House of Commons, stating the appointment of Messrs. Pool and Bateman to conduct the balloting on the part of that House.

Mr. Gray presented a bill to prevent the falling of timber in, or obstructing the run of Carraway creek, in Randolph county; which was



read the first time and passed. Ordered that the bill, together with the petition accompanying it, be referred to the committee of Propositions and Grievances.

Mr. Drake, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that no person in nomination had a majority of votes. Whereupon, on motion of Mr Drake, a message was sent to the House of Commons, proposing to ballot again immediately for the two Engrossing Clerks.

James Burney, the Senator from the county of Columbus, appeared, produced his credentials, was qualified, and took his seat.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot again immediately for two Engrossing Clerks, and appointing Messrs. Whitaker and Stedman of Gates to conduct the balloting on the part of that House; and stating that the name of Robert H. Helme is withdrawn from the nomination. Thereupon a message was sent to the House of Commons, informing them that Messrs. Shober and Davenport attend to conduct the balloting on the part of the Senate.

On motion of Mr. Pickett,

1st. *Resolved*, That so much of the Governor's Message as relates to internal improvements, be referred to a select committee.

2d. *Resolved*, That so much of said message as relates to the draining and reclaiming the swamp and marsh lands, be referred to a select committee.

3d. *Resolved*, That so much of said message as relates to public education, be referred to a select committee.

4th. *Resolved*, That so much of said message as relates to the Judiciary, be referred to a select committee.

5th. *Resolved*, That so much of said message as relates to the procuring from the British Government such materials as are in their possession, relating to the colonial history of this State, be referred to a select committee.

6th. *Resolved*, That so much of said message, as relates to the surveying and selling the lands lately acquired from the Cherokee Indians, be referred to a select committee.

On motion of Mr. Owen,

*Resolved*, That so much of the Governor's Message as relates to the alteration of the Tariff, contemplated by the "Woollens Bill," be referred to a joint select committee.

The committee, on the part of the Senate, consists of Messrs. Owen, Pickett, Speight of Greene, Spaight of Craven, and Brodnax.

On motion of Mr. Burgin, a committee on the Militia and Militia Laws was appointed. The committee consists of Messrs. Burgin, Speight of Greene, Williams of Beaufort, Jones and Nuttall. Thereupon Mr. Burgin presented the petition of sundry inhabitants of Burke county, residing within the bounds of the first and second regiments of said county, praying an alteration of the boundary line of the first regiment. Ordered that the petition be referred to said committee.

Mr. Love, of Haywood, moved that a message be sent to the House of Commons, proposing to ballot to-morrow for a Public Treasurer, and nominated for that appointment John S. Haywood. Mr. Montgomery moved to amend the motion, by substituting "Monday next," in lieu of "to morrow;" which was not agreed to. The question then recurred upon Mr. Love's motion, and being taken, it passed in the affirmative; and a message was sent to the House of Commons accordingly.

Mr. Jones presented the resignation of Jesse Speight, of Greene county; Mr. Whitfield presented the resignation of David Griffin, of the county of Lenoir; Mr. Salyear presented the resignation of William W. Read,



of Currituck county; Mr. Brodnax presented the resignation of Samuel Young, of the county of Rockingham, Justices of the Peace in their respective counties; and Mr. Vanhook, the resignation of Reuben Walton, Lieut. Col. of cavalry in the 16th Brigade, and 3d Division; which were severally read and accepted.

And then the Senate adjourned until to-morrow, 10 o'clock.

FRIDAY, NOVEMBER 23, 1827.

Mr. Shober, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that no person in nomination had received a majority of votes. Thereupon, on motion of Mr. Shober, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for two Engrossing Clerks, and withdrawing the name of James H. Johnston.

Edward Ward, the Senator from the county of Onslow, appeared, produced his credentials, was qualified, and took his seat.

Received from the House of Commons, a message, agreeing to ballot again immediately for two Engrossing Clerks, appointing Messrs. G. L. Stewart and Joseph D. White superintendents on the part of the House of Commons, and withdrawing the name of John K. Campbell. Thereupon, a message was sent to the Commons, stating that Messrs. Ramsay and Hawkins superintend the balloting on the part of the Senate.

Mr. Ramsay, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that no person in nomination had a majority of votes. On motion of Mr. Ramsay, a message was sent to the House of Commons, proposing a further balloting for the two Engrossing Clerks; and a message was received from that House, agreeing to the proposition, naming Mr. Bateman and Mr. Gilmour as superintendents, and withdrawing the name of James Irwin. Thereupon, a message was sent, informing the House of Commons that Messrs. Hawkins and Drake conduct the balloting on the part of the Senate.

On motion of Mr. Pickett,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the official bonds of the Clerks of the several Courts of Record in this state; and also of amending the acts of the General Assembly, providing for the deposit and safe keeping said bonds.

On motion of Mr. Sherard,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws concerning bastardy, as to give one justice of the peace competent jurisdiction.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing to raise a select joint committee, to be styled the "Committee on the Public Buildings;" and appointing of the committee, on the part of the Senate, Messrs. Speight of Greene, Hinton, Burgin, Vanhook, and Love of Richmond.

A message was received from the House of Commons, stating their agreement to the proposition of the Senate, to raise a joint select committee, to be styled the "Committee on the Public Buildings;" and appointing a committee on their part, consisting of Messrs. Lewis, Glisson, Gary, Bozman and Love.

Mr. Hinton presented the following resolutions:

*Resolved*, That Joseph Ross be appointed to take charge of the State House during



the recess of the Legislature, whose duty it shall be to take in possession the keys, to keep the doors locked, except when he may think proper to open them for the accommodation of visitors, or for the purpose of airing the apartments; and to take the necessary measures for the preservation of the furniture and fixtures belonging to the State House; and that it shall be the duty of the Comptroller, before the said Joseph Ross shall enter on the duties of his appointment, to take bond and security of the said Joseph Ross, in the sum of two thousand dollars, conditioned for the faithful performance of the duties aforesaid.

*Resolved further,* That the said Joseph Ross receive, as a compensation for his services, in performance of said duties, a salary of one hundred dollars per annum.

*Resolved further,* That the said Joseph Ross cause such measures to be taken for the preservation of the furniture of the State, as he may deem necessary; and that he also cause the statue of Washington to be cleansed, and the state house scoured, or washed, whenever their situation may require it; to cause such repairs made on the house and public square, from time to time, as may be found actually necessary for the preservation of the same; and to have the leaves and other trash that may accumulate on said square, raked up and carried off once a year; and that the Treasurer advance the sums necessary to carry into effect the object of this resolution; for which he shall be allowed in the settlement of his public accounts.

Mr. Hinton also presented the petition of Henry Gorman, of the city of Raleigh, praying to be appointed keeper of the State House and premises at a moderate annual salary.

Ordered that the resolution and petition aforesaid be referred to the committee on the Public Buildings.

The following persons were appointed on the several select committees, ordered on the message of the Governor, in pursuance of Mr. Pickett's resolutions:

On the first resolution, Messrs. Owen, Brodnax, Deberry, Williams of Martin, and Bethune.

On the 2d resolution, Messrs. Speight of Greene, McEachin, Ward, Jones, and Askew of Hertford.

On the 3d, Messrs. Shober, Drake, Joiner, Franklin and Whitfield.

On the 4th, Messrs. Pickett, Bailey, Hinton, Lock and Reinhardt.

On the 5th, Messrs. Wilson of Edgecomb, Davidson, McMillan, Montgomery and Ramsay.

On the 6th, Messrs. Spaight of Craven, Alexander, Love of Haywood, Thomson, and Williams of Beaufort.

A message was received from the House of Commons, stating that they do not agree with the proposition of the Senate, to ballot this morning for a Public Treasurer; and proposing to ballot for that officer on Monday next, at the meeting of the two Houses. Mr. Montgomery moved to amend the proposition contained in the message, by substituting "Thursday next," in lieu of "Monday," which was not agreed to. The question then recurred on agreeing with the proposition of the House of Commons, and being taken, it passed in the affirmative; and the House of Commons informed thereof by message.

Received from the House of Commons a message, proposing to refer so much of the Governor's message as relates to the Tuscarora lands in this State, to a select joint committee; and appointing of the committee on the part of that House, Mr. Hill, Mr. Stewart, Mr. White, Mr. Blackledge, and Mr. Montgomery; which proposition was concurred in, and a message sent, informing the House of Commons thereof; and stating that Messrs. Pickett, Askew of Bertie, Davenport, Harrell and Beasley, are appointed of the committee on the part of the Senate.



Received also from the House of Commons a message, stating their concurrence in the resolution of the Senate, referring so much of the Governor's Message as relates to the alteration of the Tariff, contemplated in the "Woollens Bill," to a joint select committee, consisting of Messrs. Settle, Eccles, Fisher, William A. Blount and Wheeler.

Received from the House of Commons the report of the joint select committee, to whom was referred the resolution instructing them to report rules for the government of the intercourse between the two Houses, endorsed in that House "read and concurred in."

Mr. Shober presented a petition of Christiana Critenden, of Stokes county, praying that an act may be passed to secure to her such property as she may hereafter acquire. Ordered that the petition be referred to the committee on Divorce and Alimony.

Mr. Dobson presented the petition of John Castepheens, of Surry county, praying that he may be restored to credit. Ordered that the petition be referred to the committee of Propositions and Grievances.

Mr. Drake, of the committee appointed to superintend the balloting for two Engrossing Clerks, reported that William J. Cowan was elected; and that no other person had a majority of votes.

On motion of Mr. Drake, a message was sent to the House of Commons, proposing to ballot immediately for the remaining Engrossing Clerk; and a message was received from that House, agreeing to the ballot, naming Mr. Barnard and Mr. Webb superintendents on the part of the Commons, and withdrawing the name of Robert W. Goodman. Thereupon a message was sent to the House of Commons, appointing Messrs. Shober and M'Eachin superintendents on the part of the Senate.

Received from the House of Commons a message, stating the appointment on their part, of a committee of Finance, consisting of Messrs. Pool, Blount, Moore, Scott, Troy, Mitchell, Spruill and Eccles.

Mr. Speight, of Greene, presented a bill to repeal an act, passed in the year 1823, entitled "An act concerning the Roanoke Navigation Company;" which was read the first time and passed.

Mr. Wilson, of Edgecomb, presented the resignation of R. Pitman, a justice of the peace for Edgecomb county; also the resignation of W. R. Bullock, as Major of the first regiment of Edgecomb militia; and the resignation of B. Wilkinson, as Lieut. Colonel of the second regiment of Edgecomb militia; which were severally read and accepted.

And then the Senate adjourned until to-morrow, 10 o'clock.

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SATURDAY, NOVEMBER 24, 1827.

Mr. Shober, of the committee appointed to conduct the balloting for the Engrossing Clerk, reported that no person in nomination had a majority of votes.

A message was received from the House of Commons, proposing a further balloting for one Engrossing Clerk, and withdrawing the names of Messrs. Hodges, Jasper, Covington and Lilley; which proposition was agreed to, and Messrs. Burney and M'Neill appointed to conduct the balloting on the part of the Senate, and the Commons informed thereof by message. Whereupon a message was received, appointing Mr. Taylor and Mr. Brevard to conduct the balloting on the part of the House of Commons.



Mr. McNeill, of the committee appointed to conduct the balloting for one Engrossing Clerk, reported that Thomas Dewes is duly elected.

Received from the House of Commons the certificate of allowance, made by the County Court of Cumberland, in favor of Ann Morrison, widow of Alexander Morrison, a soldier in the continental line of this State in the Revolutionary war, countersigned by the Speaker of that House; which being read, was, on motion of Mr. Bethune, ordered to be countersigned by the Speaker of the Senate.

Received a message from the House of Commons, proposing that so much of the Governor's message as relates to the Cherokee lands, be referred to a special joint committee; and stating that Messrs. Donoho, Allen of Buncombe, Allen of Montgomery, and Jones of Rowan, form the committee on the part of that House; which, on motion of Mr. Pickett, was ordered to be laid on the table.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of John Castephens, which was read; when Mr. Shober reported a bill to restore to credit John Castephens, of Surry county; which was read the first and second times and passed.

Mr. Shober, from the same committee, to whom was referred the bill to prevent the falling of timber in, or otherwise obstructing the run of Carraway creek, in Randolph county, reported the same without amendment. Thereupon the bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Deberry presented the petition of Elizabeth Culpeper, of Montgomery county, praying to be divorced from her husband Charles Culpeper. Ordered that the said petition be referred to the committee on Divorce and Alimony.

On motion of Mr. Speight, of Greene,

*Resolved*, That the committee on Internal Improvements be instructed to inquire, and report to the Senate, what progress has been made towards completing the navigation of the river Roanoke, and into the practicability of completing the same by locking in from the basin at Weldon's Orchard, together with the probable expense of completing the same; and what practical good would result to the State from effecting the same.

On motion of Mr. Speight, of Greene, ordered that the bill to repeal an act, passed in the year 1823, entitled "an act concerning the Roanoke Navigation Company," be referred to the committee on Internal Improvements.

Mr. Montgomery presented a bill concerning the election of sheriffs; which was read the first time and passed, and ordered to be printed, one copy for each member of the General Assembly; and thereupon the said bill was, on motion of Mr. Speight, of Greene, committed to a committee of the whole House, and made the order of the day for Wednesday next.

Mr. Bailey presented the petition of Mary Mixen, of Perquimons county, praying to be divorced from her husband Jeremiah Mixen. Mr. Salyear presented the petition of John Salyear, of Washington county, praying to be divorced from his wife Betsey. Ordered that the said petitions be referred to the committee on Divorce and Alimony.

Mr. Salyear presented the resignations of H. W. Cotter and Thomas Tillet, justices of the peace for the county of Currituck; and Mr. Saunderson presented the resignation of John W. Roper, of Hyde county, as Col. Commandant of the 11th Regiment and the 13th Brigade of Militia; which were severally read and accepted, and sent to the House of Commons.



Received from the House of Commons a message, proposing that the two Houses do proceed, on Thursday next, to the election of a Comptroller of public accounts: and nominating for the appointment John L. Henderson, James Legrand, James Grant, David W. Stone, James Howze, John H. Green, and Samuel S. Downey. Received also another message, adding to the nomination the name of Ambrose K. Ramsay.

On motion of Mr. Speight, of Greene, Thomas Blackwell was added to the nomination for Comptroller, and a message was sent to the House of Commons, informing them thereof, and agreeing to their proposition to ballot on Tuesday next for a Comptroller of public accounts.

Received from the House of Commons the following resignations, to wit: The resignations of Alfred Ballard, of Gates county, as Lieutenant Colonel of the 6th regiment of North Carolina militia, and Samuel Mercer, as Colonel of the militia of Camden county; also the resignations of William Graham, of Martin county; Samuel Mercer, of Camden county; William C. Berry and William Wilson, of Buncombe county; L. Berryman, of the county of Rowan; William Thomas, of the county of Richmond; James Harper, of the county of Greene; Tyrrell Wilkins, of the county of Rutherford; John Windsor, of Rockingham county; Jacob Baldwin, of Ashe county; and I. M. Greenlee, of Burke county, justices of the peace in their respective counties; which were severally read and accepted by the Senate.

And then the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, NOVEMBER 26, 1827,

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "A bill to prevent the falling of timber in, or otherwise obstructing the run of Carraway creek, in Randolph county;" in which they ask the concurrence of that House.

On motion of Mr. Spaight, of Craven, ordered that David Thomson, the Senator from the county of Johnston, have leave of absence from the services of the Senate, from and including this day, until Friday next.

On motion of Mr. Nuttall, James Seawell was added to the nomination for Public Treasurer.

On motion of Mr. Shober, Archibald M'Nair was added to the nomination for Comptroller of Public Accounts.

On motion of Mr. Pickett,

*Resolved*, That a joint select committee be appointed to inquire into the expediency of amending and consolidating the several acts of the General Assembly, respecting the Treasury Department; and that the said committee be instructed to examine the books of the Treasury, the monies in the Treasury Office, and the sums deposited in the different Banks to the credit of the State.

Ordered that Messrs. Pickett, Owen, Speight of Greene, Wilson of Edgecomb, and Gray, be of the committee on the part of the Senate.

A motion was made by Mr. Gray to reconsider the vote taken this day on the resolution introduced by Mr. Pickett, with the view of amending the resolution; and on the question, will the Senate reconsider said vote? it was determined in the negative, and the resolution was sent to the House of Commons for concurrence.

On motion of Mr. Speight, of Greene,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending our Judicial system, as to give to the Superior Courts original exclusive jurisdiction over all matters in controversy, where the title of land is brought in ques-



tion; and to the County Courts original exclusive jurisdiction over all actions of assault and battery; subject, however, in the latter case to an appeal to the Superior Court; and that they report by bill or otherwise.

Received from the House of Commons a message, appointing Messrs. Mann and Wheeler superintendents of the balloting for a Public Treasurer, heretofore agreed on by the two Houses; and adding to the nomination the name of James Seawell. Thereupon a message was sent to that House, stating that Messrs. Nuttall and Ramsay attend to conduct the balloting on the part of the Senate; and that the name of James Seawell is added to the nomination.

Mr. Nuttall, from the committee appointed to conduct the balloting for a Public Treasurer, reported that John S. Haywood is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, agreeing to raise a select joint committee for the purpose of amending and consolidating the several acts of Assembly relating to the Treasury Department; and stating that Messrs. Fisher, Spruill, Alexander, Morehead and White are appointed of the committee on the part of that House.

Mr. Spaight, of Craven, presented the petition of William Holland, of the county of Craven, praying that an act may be passed to divorce him from the bonds of matrimony, now existing between him and his wife Esther; also a bill to divorce William Holland, of Craven county, from his wife Esther; which was read the first time, and passed; and a petition of sundry citizens of Craven, in behalf of the said William Holland. Ordered that the said bill and petitions be referred to the Committee on Divorce and Alimony.

Mr. Love, of Haywood, presented a bill to keep open Tuckaseege river, the Tennessee river, and their tributary streams, in the county of Haywood; which was read the first time and passed.

The bill to restore to credit John Castephens, of Surry county, was read the third time and passed, and ordered to be engrossed.

Mr. Jones presented the petition of Sarah Tilley, of the county of Wilkes, praying that a law may be passed, securing to her such property as she may hereafter acquire; and Mr. Wilson, of Camden, presented the petition of Edward S. Pugh, of the county of Camden, praying to be divorced from his wife Lydia, together with sundry documents accompanying the same. Ordered that the said petitions and documents be referred to the committee on Divorce and Alimony.

Mr. Love, of Haywood, presented the petition of sundry citizens of Haywood county, praying that the south western part of said county may be erected into a new county; and the said petition, on motion of Mr. Love, of Haywood, was referred to a select committee. Messrs. Love of Haywood, Shober, Spaight of Craven, Franklin and Scott were appointed of the committee.

Mr. Shober presented the resignation of A. Vanboy, of the county of Stokes, as a justice of the peace; which was read and accepted.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### TUESDAY, NOVEMBER 27, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to restore to credit John Castephens, of Surry county;" in which they ask the concurrence of the House of Commons.



Mr. Wilson, of Edgecomb, presented a bill to alter the times of holding the Superior Courts of Law and Equity in the third judicial circuit; which was read the first time and passed.

Received from the House of Commons a message, stating that Mr. Stewart and Mr. Blackledge attend the Senate to superintend the balloting for Comptroller of Public Accounts, heretofore agreed on to take place this morning; and adding the name of Robert W. Goodman, and withdrawing that of Samuel S. Downey from the nomination: Whereupon, a message was sent to that House, stating that Messrs. Speight of Greene, and Hinton, are appointed to conduct the balloting on the part of the Senate.

Mr. Owen presented a bill to legitimate Duncan Melvin and others, of the county of Bladen; which was read the first time and passed.

The bill to keep open the Tukaseege river, the Tennesser river, and their tributary streams, in the county of Haywood, was read the second and third times and passed, and ordered to be engrossed.

Mr. Hinton, from the committee appointed to superintend the balloting for Comptroller of Public Accounts, reported that no person in nomination had received a majority of votes.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing a further balloting for Comptroller; and a message was received from that House, agreeing to the proposition of the Senate, naming Messrs. Gary and Hardy as the balloting committee, and withdrawing the name of D. W. Stone: Whereupon, a message was sent to the House of Commons, appointing Messrs. Speight of Greene and Hinton, to conduct the balloting on the part of the Senate.

Mr. Gray presented resolutions and documents, relative to the territory occupied by the Cherokee Indians, within the limits of this State; and instructing the Judiciary committee to inquire into the expediency of extending the jurisdiction and laws of the State over the said Territory; which being read, on motion of Mr. Wilson, of Edgecomb, ordered that the resolutions and documents lie on the table.

Mr. Hinton, from the committee appointed to superintend the balloting for Comptroller, reported that no person in nomination had a majority of votes.

A message was received from the House of Commons, proposing a further balloting for Comptroller; which proposition was agreed to, and a message sent to that House in conformity therewith, and naming Messrs. Askew, of Bertie, and Franklin, as the committee of superintendence on the part of the Senate: Whereupon, a message was received from the House of Commons, appointing Messrs. Borden and Love the balloting committee on the part of that House.

Mr. Burgin presented the petition of sundry inhabitants of the county of Burke, praying an appropriation of money for the opening of a road across the Yellow Mountain and Blue Ridge. Ordered that the petition be referred to the Committee on Internal Improvements.

Mr. McDowell presented the petition of Benjamin Warson, of the county of Buncombe, praying to be divorced from his wife Elizabeth. Ordered that the petition be referred to the Committee on Divorce and Alimony.

Mr. Askew, of Bertie, from the committee appointed to superintend



the balloting for a Comptroller, reported that no person in nomination had a majority of votes. Thereupon, on motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing a further balloting for that officer; and a message was received from the House of Commons, agreeing thereto, and withdrawing the name of Mr. Howze, and stating that Messrs. Hill and Scott are appointed of the committee to superintend the balloting on their part; and a message was sent to the House of Commons, naming Messrs. Alexander and Bailey the balloting committee on the part of the Senate.

Received from the House of Commons, the resolution appointing a joint select committee to inquire into the expediency of amending and consolidating the several acts of the General Assembly respecting the Treasury department, endorsed "concurring in;" and appointing of the committee, on the part of that House, Messrs. Fisher, Spruill, Alexander, Morehead and White.

Received from the House of Commons, a communication from the Governor, with the accompanying documents, relative to the swamp and marsh lands; with a proposition on the part of that House to print the message and documents, three copies for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons the following resolution, to wit:

*Resolved*, That a joint select committee, consisting of three members on the part of each House, be appointed, to inquire and to report, whether John McKee, of the town of Fayetteville, has complied with that part of the resolution of the last General Assembly, for a loan of five thousand dollars to the said John McKee, to aid him in the publication of a map of the State, requiring him to execute a bond, with good and sufficient security, for the completion of said map, under certain conditions.

The resolution being read, Mr. Speight, of Greene, moved to amend it, by striking out all of the said resolution, after the word "resolved," and to insert "that the committee of Finance be instructed to inquire into and report to the Legislature, whether John McKee, to whom five thousand dollars was loaned by the State at the last Session of the General Assembly, has complied with the condition upon which the said loan was authorised to be made;" and the question thereon being taken, it passed in the affirmative. The question then recurred on the adoption of the resolution as amended; and it passed in the affirmative, and the House of Commons were informed thereof by message.

The following resignations were presented, to wit: by Mr. Royal, the resignations of Archibald Colquhoun and David Underwood, justices of the peace for the county of Sampson; which were read and accepted.

Received from the House of Commons, the following resignations, to wit: the resignation of Josiah Tripp, of Beaufort county; the resignation of Turner Pullen, of Wake county, justices of the peace; which were severally read and accepted.

And then the Senate adjourned until 10 o'clock, to-morrow morning.

#### WEDNESDAY, NOVEMBER 28, 1827.

A message was sent to the House of Commons stating that the Senate have passed the engrossed bill, entitled "a bill to keep open the Tuckasee river, the Tennessee river, and their tributary streams, in the county of Haywood; in which they ask the concurrence of the House of Commons.



Mr. Alexander, from the committee appointed to superintend the balloting for Comptroller, reported that no person in nomination had received a majority of votes.

A message was received from the House of Commons, proposing to ballot again immediately for a Comptroller; which proposition was agreed to, and a message sent to the House in conformity therewith, and appointing Messrs. Hinton and Reinhardt a committee of superintendence on the part of the Senate. Thereupon a message from the Commons, stating the appointment of Messrs. Busbee and Leonard a committee of superintendence on the part of that House.

On motion of Mr. Speight, of Greene,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of allowing the State the right of challenge in criminal cases; and that they report by bill or otherwise.

Mr. Pickett, from the Judiciary committee, to whom was referred a resolution relative to the amendment of the bastardy laws, made a report, which was read, and the resolution therein contained was concurred in by the Senate, as follows:

*Resolved*, That it is inexpedient to change the existing laws respecting bastardy.

Mr. Pickett, from the same committee, to whom was referred the resolution respecting the official bonds of Clerks of Courts in this State, reported a bill to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this state, and to provide for the deposite and safe keeping said bonds; which bill was read the first time and passed.

Mr. Speight, of Greene, from the select joint committee on the Public Buildings, reported a resolution as follows:

*Resolved*, That the two rooms in the Capitol immediately over the conference room, be assigned for the use of the Engrossing Clerks and committees; and the room below, on the right of the western wing of the Capitol, be assigned for the use of the door-keepers.

Which was read and agreed to, and sent to the House of Commons for concurrence.

Received from the House of Commons, the resolution relative to the distribution of certain rooms of the Capitol, endorsed in that House "read and concurred in."

Mr. Hinton, from the committee of superintendence of the balloting for a Comptroller, reported that no person in nomination had a majority of votes.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing a further balloting for Comptroller; and a message was received from that House, agreeing to the proposition, and appointing Messrs. Lewis and Speller superintendents. Whereupon, Messrs. Brodnax and Holleman were appointed a committee of superintendence, and the Commons informed thereof by message.

Mr. Brodnax, from the committee of superintendence of the balloting for Comptroller, reported that no person in nomination is elected.

A message was received from the House of Commons, proposing another balloting for Comptroller; which was agreed to, and a message sent to that House, informing them thereof, and appointing Messrs. Williams, of Martin, and Franklin, a committee of superintendence on the part of the Senate; and a message was received from that House, naming Messrs. Marshall and Burke superintendents on their part.



Mr. Williams, of Martin, reported from the balloting for Comptroller, that no person in nomination had a majority of votes.

On motion of Mr. Williams, of Martin, a message was sent to the House of Commons, proposing a further balloting for Comptroller; and a message was received from that House, agreeing to the proposition, and naming Messrs. H. C. Jones and Montgomery, of the balloting committee on their part: Whereupon, a message was sent to the House of Commons, stating that Messrs. Sherard and Salyear conduct the balloting on the part of the Senate.

The bill to legitimate Duncan Melvin and others, of the county of Bladen, was read the second and third times and passed, and ordered to be engrossed.

Mr. Deberry presented a bill to provide for the final settlement of Executors and Administrators; which was read the first time and passed. On motion of Mr. Spaight, of Craven, ordered, that the said bill be referred to the Judiciary committee, and that it be printed, one copy for each member of the General Assembly.

On motion of Mr. Wilson, of Edgecomb, the Senate took up the resolutions submitted yesterday by Mr. Gray, to the consideration of the Senate; and the resolutions being read, Mr. Pickett moved an amendment, to wit: to strike out the words "the committee on the Judiciary," in the first line of the first resolution, and to insert the words "a select joint committee be appointed;" which amendment was agreed to. The question then recurred on the adoption of the resolution as amended, and it passed in the affirmative. The committee consists of Messrs. Pickett, Gray, Speight of Greene, Jones, and Love of Haywood. Ordered that the document accompanying the resolution be referred to said committee; and the resolution was sent to the House of Commons for their concurrence.

Received from the House of Commons the following resolution:

*Resolved*, That the committee on the Public Buildings be instructed to inquire into the propriety of providing suitable furniture for the conference chamber; and of making the necessary repairs in said chamber, and that they report by resolution, bill or otherwise.

Which resolution was agreed to, and the House of Commons informed thereof by message.

Mr. Shober presented the memorial of sundry members of the South regiment of Stokes county militia, praying that the officers of the said regiment may be compelled to hold the general muster at or near the centre of the district; or that an additional regiment be erected. Ordered that the said memorial be referred to the committee on the Militia and Militia Laws.

Mr. Hinton presented the petition of Washington Price, of the county of Wake, praying to be divorced from his wife Susanna. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Saunderson presented the following resolution:

*Resolved*, That John S. Haywood, Treasurer of the State of North-Carolina, be instructed to pay to the agent of Caleb Spencer, administrator of John J. Bonner, late of the county of Hyde, the full amount of pay as a member of the last session of the General Assembly, that would have been due him, had he lived until the rise of the Session; and that the same be allowed the Treasurer in the settlement of his public accounts.

Which resolution was read the first time and passed.

Received from the House of Commons, a message, proposing that the two Houses on Monday next, ballot for a Brigadier General of the 14th brigade of the militia, to supply the vacancy occasioned by the death of



General Covington; which was agreed to, and a message sent, informing the Commons thereof.

Mr. Saunderson presented a bill to authorise the County Court of Hyde to order all deeds, bills of sale, division of lands, and other instruments of writing that have been lost by fire, or otherwise destroyed in the Register's office, to be registered anew, and for other purposes; which was read the first time and passed.

Received from the House of Commons, a message, accompanied by a communication from the Governor, containing a proposition from that House, that so much of the Governor's message of the 22nd instant, as relates to an interchange of laws with the State of Delaware, be referred to the Library committee; which proposition was agreed to, and the House of Commons informed thereof by message.

The Library committee on the part of the Senate, consists of Messrs. Baily, Drake and Deberry.

Received from the House of Commons the resignation of James White, of the county of Sampson, as a justice of the peace.

Mr. Love, of Haywood, presented the petition of Mary Layfong, of the county of Haywood, praying to be divorced from her husband, Benedict Layfong. Ordered that the said petition be referred to the committee on Divorce and Alimony.

And then the Senate adjourned until to-morrow, 10 o'clock.

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THURSDAY, NOVEMBER 29. 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to legitimate Duncan Melvin and others, of the county of Bladen;" in which they ask the concurrence of the House of Commons.

Mr. Sherard, from the committee appointed to superintend the balloting for a Comptroller, reported that no person in nomination had received a majority of votes.

A message was received from the House of Commons, proposing another balloting for Comptroller; which was agreed to, and a message sent informing them thereof, and appointing Messrs. Beasley and Montgomery the balloting committee on the part of the Senate: Whereupon, a message was received from the House of Commons, appointing Messrs. Scott and Tillett superintendents of the ballot on their part.

On motion of Mr. Speight, of Greene,

*Resolved*, That the joint select committee appointed to examine the accounts of the Treasury, be, and they are hereby empowered to send for persons and papers, and use all necessary means to ensure a full and fair investigation of the subject to them committed.

And the resolution was sent to the House of Commons for their concurrence.

Mr. Walton presented the certificate of allowance made by the county court of Chowan, in favor of Eleanor Trulove, the widow of a revolutionary soldier; which, on motion of Mr. Walton, was ordered to be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate sent to the House of Commons.

Mr. Beasley, from the committee appointed to superintend the balloting for a Comptroller, reported that no person is elected.

A message was received from the House of Commons, proposing a further balloting for Comptroller; which proposition was agreed to, and a



message was sent to the House of Commons, informing them thereof, and stating the appointment of Messrs. Burney and Davenport, as the committee of superintendence on the part of the Senate. Thereupon, a message was received from the House of Commons, naming Messrs. White and Bozman the superintending committee on the part of that House.

On motion of Mr. Hinton,

*Resolved*, That the Judiciary committee be instructed to inquire if any, and what alterations are necessary to be made in the laws respecting the wardens of the poor, in the respective counties of the State; and that they have leave to report by bill or otherwise.

The bill to authorise the County Court of Hyde to order all deeds, bills of sale, division of lands, and other instruments of writing, that have been lost by fire, or otherwise destroyed in the Register's office, to be registered anew, was read the second and third times and passed, and ordered to be engrossed.

Mr. Burney, from the committee to conduct the balloting for a Comptroller, reported that no person is elected.

Received from the House of Commons a message, proposing to ballot again for a Comptroller; which proposition was agreed to, and a message sent, stating the agreement, and appointing Messrs. Hinton and Ramsay of the balloting committee on the part of the Senate.

A message was then received from the House of Commons, naming Messrs. Marshall and Seawell the superintendents on the part of that House.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize the building a bridge across Neuse river, at the place therein mentioned, and for other purposes; a bill making it the duty of the Major Generals to review the second regiment of Randolph militia at their usual regimental muster ground; and a bill to compel the officers of Sampson county to hold their respective offices at the Court House; in which they ask the concurrence of the Senate. Thereupon, the two last named bills were read the first, second and third times and passed, and ordered to be enrolled; and the bill to authorize the building a bridge across Neuse river, at the place therein mentioned, and for other purposes, was read the first time and passed.

Mr. Ramsay, from the committee appointed to conduct the balloting for a Comptroller, reported that no person in nomination had a majority of votes: Whereupon, a message was received from the House of Commons, proposing a further balloting for that officer; which was agreed to, and a message sent informing them thereof, and stating that Messrs. Shober and McMillan are the balloting committee on the part of the Senate. A message was then received from the House of Commons, appointing Messrs. Barnard and Underwood the committee of superintendence on the part of that House, and withdrawing the name of John H. Green.

The bill to authorize the building a bridge across Neuse river, at the place therein mentioned, and for other purposes, was read the second time. On motion of Mr. Whitfield, ordered that the bill lie on the table until to-morrow.

The bill to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this state, and to provide for the deposite and safe keeping said bonds, being read the second time, Mr. Speight, of Greene, moved to amend the bill, by inserting at the end of the second



section of the bill, an additional section, as follows: "And be it further enacted, that the clerks in whose offices said bonds shall be deposited, shall cause the same to be immediately registered in the Register's office of the respective counties; and on the destruction or loss of the originals, a certified copy of said bonds shall be received in evidence;" which was agreed to. Mr. Montgomery then moved further to amend the bill, by adding a fifth section, in the following words, to wit: "And be it further enacted, that no Clerk of any County or Superior Court, or Clerk and Master in Equity in this State, shall enter on the duties of his office before he enters into and delivers over to the person authorised to receive the same, the bond required by this act, under the penalty of one thousand pounds;" which was agreed to. Mr. Ward moved to amend the bill, by striking out "Clerks and Masters in Equity," in the first section of the bill; which was not agreed to, and the bill read the second time and passed.

The resolution of the House of Commons, in relation to John McRae, of the town of Fayetteville, which was amended in the Senate, was received from the House of Commons, endorsed in that House, "the amendment read and agreed to."

Mr. Whitfield presented the resignation of Joshua Mosely, as Colonel Commandant of the Lenoir regiment of militia; which was read and accepted.

Received from the House of Commons the resignation of R. B. Davis, of Washington county, a justice of the peace; also, the resignations of John Wiley, Colonel of the regiment of cavalry attached to the 16th Brigade; and of Jesse H. Simmons, as Colonel Commandant of the second regiment of the militia of Halifax county.

And then the Senate adjourned until 10 o'clock, to-morrow.

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FRIDAY, NOVEMBER 30, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to authorise the County Court of Hyde to order all deeds, bills of sale, division of lands, and other instruments of writing that have been lost by fire, or otherwise destroyed in the Register's office, to be registered anew, and for other purposes; in which they ask the concurrence of the House of Commons.

Mr. Shober, from the committee appointed to conduct the balloting for a Comptroller, reported that James Grant is duly elected; in which report the Senate concurred.

Received from the House of Commons, a message of the date of yesterday, proposing to ballot for a Governor on Saturday next, and nominating for the appointment James Iredell and Richard D. Spaight; which proposition was not agreed to: Thereupon, on motion of Mr. Wilson, of Edgecomb, a message was sent to the House of Commons to ballot for a Governor on Tuesday next.

Received from the House of Commons a message, stating that they have passed the engrossed bill to repeal an act of the General Assembly, passed in the year 1816, chap. 21; also, a bill to establish a poor house in the county of Pasquotank; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed.

Mr. Hawkins presented the certificate of allowance made by the County



Court of Warren, in favor of Elizabeth Harris, a pensioner, in right of her husband, Burwell Harris, a revolutionary soldier; which, on motion of Mr. Hawkins, was ordered to be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate sent to the House of Commons.

Mr. Hurst presented a bill to alter the times of holding the Courts of Pleas and Quarter Sessions of Duplin county; which was read the first time and passed.

Received from the House of Commons, the resolution empowering the joint select committee appointed to examine the accounts of the Treasury, to send for persons and papers, endorsed in that House "read and concurred in."

Received also from that House, the resolution relative to the territory occupied by the Cherokee Indians, endorsed in that House "read and concurred in;" and appointing of the committee on the part of that House, Messrs. W. W. Jones, Settle, Blackledge, R. H. Jones and Benners.

The engrossed bills, to wit: a bill to establish a poor house in the county of Pasquotank; and the bill to repeal an act of the General Assembly, passed in the year 1816, chap. 21, were read the second and third times and passed, and ordered to be enrolled.

The bill to alter the times of holding the Courts of Pleas and Quarter Sessions of Duplin county, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Whitfield, the Senate considered the bill to authorise the building a bridge across Neuse river, at the place therein mentioned, and for other purposes; and the bill being read, Mr. Spaight, of Craven, moved to amend the bill, by striking out the last section; which was agreed to. The question then recurred on the passage of said bill the second time; and the question being stated, it passed in the affirmative.

The bill to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this state, and to provide for the deposit and safe keeping said bonds, being read the third time, Mr. Pickett moved to amend the bill, by striking out the third section, and inserting in lieu thereof as follows, to wit: "And be it further enacted, that the Justices of the County Courts shall cause all bonds taken by them, to be acknowledged in open Court, and a record thereof to be made, and an endorsement of such acknowledgment to be made on said bond; and that the Judges of the Superior Courts of Law and Courts of Equity, shall cause all bonds taken by them in term time, to be acknowledged, recorded and endorsed, in like manner; and all bonds taken by any of the Judges in vacation, shall be acknowledged before them, and endorsed by the Judge so taking said bond.

"And be it further enacted, that it shall be the duty of the Clerks giving any of said bonds, to pay into the Clerk's office of their respective counties, forty cents for the registration of said bonds; and it shall be the duty of the Clerks in whose office any of said bonds shall be filed, to cause the same to be registered.

"And be it further enacted, that upon proof of the loss or destruction of any of said bonds, a registered copy shall be received in evidence: Pro-



vided, that any person or persons who shall be sued on any lost or destroyed bond, may plead non est factum upon oath; in which case, the execution of said bond shall be established, under the rules now provided by law."

And the question being taken thereon, it was determined in the negative. The question then recurred on the passage of said bill the third time; and being stated, it passed in the affirmative, and was ordered to be engrossed.

Received from the House of Commons, the resignation of Britton Jones, as a Justice of the Peace for the county of Camden.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### SATURDAY, DECEMBER 1, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this State, and to provide for the deposite and safe keeping said bonds;" also, the engrossed bill, entitled "a bill to alter the times of holding the Courts of Pleas and Quarter Sessions of Duplin county;" in which they ask the concurrence of the House of Commons.

On motion of Mr. Shober,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of amending or explaining the acts of the General Assembly concerning Dower, in such a way, that when a man dies intestate, possessed of several and distinct tracts of land, a jury summoned for that purpose, shall not be restricted to assign for Dower the third part in the different tracts; but may allot to her, her proportion of the whole in one tract, taking into view the rights of the heirs, as well as the interest of the widow.

On motion of Mr. Gray,

*Resolved*, That the Secretary of State be instructed to issue to the heirs of Jesse Henly, deceased, late of Randolph county, a grant, agreeable to a warrant, No. 52, issued by the Entry-Taker of said county to Abraham Elliot, Senior, and transferred by said Entry-Taker to said Henly, on which a grant has not heretofore issued, in consequence of an irregularity in said transfer.

And the resolution, with the accompanying document, was sent to the House of Commons for their concurrence.

Received from the House of Commons the certificate of allowance to Eleanor Truelove, endorsed in that House "read and countersigned by the Speaker, under the direction of the House."

On motion of Mr. Dobson, the name of William Polk was added to the nomination for Governor, and the House of Commons was informed thereof by message.

A message was received from the House of Commons, proposing that the two Houses ballot on Friday next for a Brigadier General of the 15th Brigade, and nominating for the appointment Athan A. McDowell and Merrit Burgin; which proposition was agreed to, and the House of Commons informed thereof by message.

Received also a message from that House, agreeing to the proposition of the Senate to ballot on Tuesday next for Governor.

Received from the House of Commons, the certificate of allowance made by the County Court of Cumberland, in favor of Issabella Campbell, widow of James Campbell, of the continental line of this State, endorsed "read and countersigned by the Speaker, by order of the House." On motion of Mr. Bethune, ordered that the said certificate be countersigned by the Speaker of the Senate; which was accordingly done.



Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the names of Lindsea Green Doty and Edward Tidwell, orphans, of the county of Rutherford; a bill to repeal an act passed in the year 1826, appointing commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton; a bill to alter the boundary line between the first and second regiment of Buncombe militia; a bill to amend an act, entitled "an act to establish an academy in the town of Snow-Hill, in the county of Greene;" and a bill to compel the Sheriff of Burke county to give written summons to jurors of said county; in which they ask the concurrence of the Senate. Thereupon, the said bills were severally read the first time and passed.

On motion of Mr. Wilson, of Edgecomb, a message was sent to the House of Commons, proposing to ballot on Monday next for a Public Printer, and nominating for the appointment Lawrence & Lemay.

The Senate proceeded to consider the bill to alter the times of holding the Superior Courts of Law and Equity in the third judicial circuit; when, on motion of Mr. Hinton, ordered that the bill be referred to a committee consisting of the Senators from the counties composing the third judicial circuit.

Mr. Love, of Haywood, from the select committee to whom was referred the petition of sundry citizens of Haywood county, made a report, which was read; when Mr. Love, of Haywood, reported a bill for the division of Haywood county; which was read the first time and passed. On motion of Mr. Love, of Haywood, ordered, that the said bill and report be committed to a committee of the whole House, and made the order of the day for Wednesday next, and that they be printed, one copy for each member of the General Assembly.

Mr. Sherard presented a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Wayne;" which was read the first time and passed.

Mr. McDowell presented the petition of Samuel I. Edney, of Buncombe county, praying to be divorced from his wife Olivia. Mr. Ramsay presented the petition of Rachael Hamblet, of Chatham county, praying to be divorced from her husband William Hamblet. Ordered that the said petitions be referred to the committee on Divorce and Alimony.

The engrossed bill to authorize the building a bridge across Neuse river, at the place therein mentioned, and for other purposes, being read a third time, Mr. Joiner moved to amend the bill by striking out the following words, to wit: 'fifteen,' 'forty,' 'eighty,' 'one dollar,' 'ten,' 'two,' where they occur in the 30th, 32d, 33d, 35th, 38th and 39th lines of the first section of the bill, and to insert in lieu thereof the following words, to wit: 'ten,' 'twenty-five,' 'sixty,' 'eighty cents,' 'five,' 'one,' which amendments were not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative; and a message was sent to the House of Commons, asking their concurrence to the amendment made to the bill, on its second reading, to wit: "to strike out the last section."

Mr. Shober presented the petition of sundry citizens of Stokes county, praying that a law may be passed, authorising them to clear out the South fork of Muddy Creek, and for other purposes. Ordered that the petition be referred to the committee of Propositions and Grievances.



Mr. M'Dowell presented a bill to appoint Commissioners for the town of Ashville, Buncombe county; which was read the first time and passed.

A message was received from the House of Commons, stating that they have passed the engrossed bill concerning the State Bank of North Carolina; in which they ask the concurrence of the Senate. Thereupon, the said bill was read the first time and passed.

Mr. Speight, of Greene, moved that the 11th rule of the Senate, requiring all bills of a public nature, when ready for a second hearing, to be noted to be read at least one day previous thereto, be suspended so far as regards the bill concerning the State Bank of North Carolina; which was agreed to, and the said bill was read the second and third times and passed, and ordered to be enrolled.

The Senate resolved itself into a committee of the whole House, Mr. Shober in the Chair, on the bill concerning the election of Sheriffs; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shober reported that the committee had had the said bill under consideration, and made some progress therein, and asked leave to sit again. Ordered that the committee of the whole have leave to sit again on Monday next.

Received from the House of Commons the resignation of Oliver W. Holland, as Colonel Commandant of the first regiment of militia of the county of Lincoln; which was read and accepted.

And then the Senate adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 3, 1827.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing to ballot on to-morrow for a Major General of the 7th Division, and nominating for the appointment Colonel Micajah T. Hawkins.

Mr. Wilson, of Edgecomb, presented a bill to establish Columbia Academy, on the lands of Joseph John Pippin, in the county of Edgecomb, and to incorporate the Trustees thereof; which was read the first time and passed.

The bill to appoint Commissioners for the town of Ashville, Buncombe county, being read the second time, Mr. M'Dowell moved to amend the bill by inserting in the 5th line of the bill after the word "Brittain," the following words, to wit: "Samuel Davidson;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the second time, and it passed in the affirmative; and the bill was subsequently read the third time and passed, and ordered to be engrossed.

In pursuance of the joint rules of the two Houses, Mr. Brodnax and Mr. Bailey were appointed of the committee on Enrolled Bills on the part of the Senate, and the House of Commons informed thereof by message.

The following engrossed bills, to wit: A bill to amend an act, entitled "an act to establish an academy in the town of Snow Hill, in the county of Greene;" a bill to alter the boundary line between the first and second regiment of Buncombe militia; a bill to compel the Sheriff of Burke county to give written summons to jurors of said county; and a bill to alter the names of Lindsea Green Doty and Edward Tidwell, orphans, of



the county of Rutherford, were severally read the second and third times and passed, and were ordered to be enrolled.

The bill to repeal an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Wayne," was read the second and third times and passed, and ordered to be engrossed.

William Davidson, the Senator from the county of Mecklenburg, appeared, produced his credentials, was qualified and took his seat.

The Senate again resolved itself into a committee of the whole House, Mr. Shober in the Chair, on the bill concerning the election of Sheriffs; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shober reported that the committee had had the same under consideration, and made no amendment. Whereupon, the said bill was read the second time. Mr. Speight, of Greene, moved an amendment to the bill, to wit: to strike out in the second section of the bill the following words, to wit: "at the times and places for holding the elections in each county for members of the General Assembly," and insert "on the first Monday of May, in each and every year;" which amendment was not agreed to. Mr. Speight, of Greene, moved further to amend the said bill, by striking out the words "five or more members," in the 11th line of the 3d section, and insert the following words, to wit: "a majority;" which amendment was agreed to, and the bill being read a second time as amended, the question recurred on the passage of the said bill the second time. Mr. Bailey moved the indefinite postponement thereof; and the question thereon being taken, it was determined in the negative—Yeas 30—Nays 32. The yeas and nays being demanded by Mr. Montgomery—

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Alexander, Bethune, Bailey, Beasley, Brodnax, Deberry, Davenport, Devane, Fuller, Hurst, Hinton, Joiner, Jones, Love of Haywood, M'Millan, Mathews, M'Neill, M'Eachlin, Pickett, Smith, Speight of Greene, Scott, Shober, Thomson, Wilson of Camden, Wilson of Edgecomb, Whitfield, Ward.

Those who voted in the negative, are Messrs. Burgin, Burney, Drake, Dobson, Davidson, Franklin, Gray, Howze, Harrell, Hollamon, Hawkins, Locke, Love of Richmond, M'Dowell, M'Daniel, Montgomery, Nuttall, Owen, Parker, Ramsay, Reinhardt, Reddick, Royal, Speight of Craven, Salyear, Saunderson, Shuford, Sherard, Vanhook, Williams of Beaufort, Walton, Williams of Martin.

The question then recurred on the passage of the said bill a second time, and it passed in the affirmative. Ordered that the bill be read a third time to-morrow.

A message was received from the House of Commons, stating the appointment of Messrs. Glisson, Barnard, Little and N. Stedman, of the committee on Enrolled Bills on the part of that House.

Received also a message from that House, stating that the name of John Stanly is added to the nomination for Governor, and a message stating the agreement of the House of Commons to the proposition of the Senate, to ballot this day for a Public Printer.

A motion was made by Mr. Joiner to reconsider the vote taken on Saturday last, on the third and last reading of the engrossed bill to authorise the building a bridge across Neuse river, at the place therein mentioned, and for other purposes, with the view of amending the bill; and on the question, will the Senate reconsider the said bill? it passed in the affirmative.

And then the Senate adjourned until to-morrow, 10 o'clock.



TUESDAY, DECEMBER 4, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to appoint Commissioners for the town of Ashville, Buncombe county; and a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act to establish a poor-house in the county of Wayne;" in which they ask the concurrence of the House of Commons.

Received from the House of Commons the certificate of allowance made by the County Court of Warren, in favor of Elizabeth Harris, endorsed in that House "read and ordered to be countersigned by the Speaker."

Mr. Speight, of Greene, presented a bill to legitimate and alter the name of Mary Ann Eliza Tooley; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorise the Public Treasurer to pay to Thomas Searcy the cost of a suit wherein the State was plaintiff, and Gen<sup>l</sup>. William Bethell defendant; a bill to secure to Phebe M'Kaughen, of Guilford county, such property as she may hereafter acquire; a bill to alter the name of Henry Rogers, of Duplin county, and to legitimate him; and a bill to amend an act, entitled "an act to establish an academy at Williamston, in the county of Martin," passed in the year 1816; in which they ask the concurrence of the Senate.

On motion of Mr. Ward, a message was sent to the House of Commons, proposing to ballot, as heretofore agreed on, for a Governor, and appointing Messrs. Ward and Franklin of the balloting committee on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Taylor and Burns are appointed superintendents on the part of that House.

On motion of Mr. Shober, a message was sent to the House of Commons, proposing to ballot on this day for a Brigadier General of the 14th Brigade, and nominating for that appointment Mr. Leak, Mr. McEachin, Mr. Alfred Dockery and Mr. Reading Anderson.

The engrossed bill to repeal an act, passed in the year 1826, appointing Commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton, being read the second time, on motion of Mr. Alexander, ordered that the said bill, with the accompanying documents, be referred to a select committee. The committee consists of Messrs. Alexander, Shuford, Reinhardt, Mathews and Joiner.

On motion of Mr. Bailey

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of amending the Wreck Laws, so far as regards salvage; that instead of a compensation by way of arbitration, a daily allowance be substituted, fixed and determined by law; and that they report by bill or otherwise.

Mr. Bailey presented the memorial of sundry merchants and other citizens of Elizabeth City, praying the passage of a law to incorporate them as an insurance company. Ordered that the memorial be referred to the Judiciary committee.

Mr. Reinhardt presented a bill for the relief of persons who have made entries of land with Entry-takers, or who have had land surveyed by surveyors, who have not renewed their bonds agreeably to law; which was read the first time and passed.



Mr. Davidson presented the following petitions, to wit: The petition of Abner Alexander, of the county of Mecklenburg; and the petitions of John Millwee and John Conally, also of the county of Mecklenburg, severally praying to be placed on the pension list. Ordered that the said petitions, with the documents accompanying them, be referred to the committee of Propositions and Grievances.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, made a report, which being read, Mr. Williams, of Martin, reported a bill to secure to Christiana Crittenden, of Stokes county, such property as she may hereafter acquire; which bill was read the first time and passed, and was subsequently read the second and third times and passed, and ordered to be engrossed.

Mr. Ward, from the committee appointed to superintend the balloting for Governor, reported that no person in nomination had a majority of votes. On motion of Mr. Ward, a message was sent to the House of Commons, proposing a further ballot for Governor.

The bill to establish Columbia Academy, on the lands of Joseph John Pippin, in the county of Edgecomb, and to incorporate the Trustees thereof, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: A bill to amend an act, entitled "an act to establish an academy at Williamston, in the county of Martin," passed in the year 1816; a bill to alter the name of Henry Rogers, of Duplin county, and to legitimate him; a bill to authorise the Public Treasurer to pay to Thomas Searcy the cost of a suit, wherein the State was plaintiff, and Gen'l. William Bethell defendant; and a bill to secure to Phebe M'Kaughen, of Guilford county, such property as she may hereafter acquire, were severally read the second and third times and passed, and ordered to be enrolled.

The Senate proceeded to consider the resolution relative to the payment of the amount therein specified, to the agent of the administrator of John J. Bonner. Mr. Saunderson moved to amend the resolution, by striking out all the words of the resolution from the word "the" in the 5th line, to the word "and" in the 8th line; and insert the words "sum of one hundred and fifty six dollars and thirty cents, for the services of the said John J. Bonner, a member of the county of Hyde of the last General Assembly;" which was agreed to, and the resolution, as amended, was read the second time and passed.

The bill to legitimate and alter the name of Mary Ann Eliza Tooley, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses, at their meeting on Saturday morning next, proceed to ballot for Brigadier General of the 16th Brigade, and nominating for the appointment Obediah Falkoner, Bedford Brown and Thomas N. Norman; which proposition was agreed to, and the House of Commons were informed thereof by message.

On motion of Mr. Owen,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the act of 1741, chap. 26, section 10, as relates to the stealing or mismarking any cattle, &c. by negroes, Indians, or malatto slaves; and that they report by bill or otherwise.



Received from the House of Commons a message, containing a proposition for the appointment of a select joint committee to inquire into the expediency of instructing the Board of Internal Improvements, relative to a survey from Newbern, by the way of Raleigh, to Salisbury, on the most practicable route for a rail road; which being read, on motion of Mr. Speight, of Greene, ordered that the message lie on the table.

Mr. Spaight, of Craven, presented the certificate of allowance made by the County Court of Craven, in favor of Thomas Ewell and Christopher Bexley, pensioners. Also the certificate of allowance made by the County Court of Craven, in favor of Captain John Rhem, a pensioner. On motion of Mr. Spaight, of Craven, ordered that the said certificates be countersigned by the Speaker of the Senate; which was accordingly done, and the certificates sent to the House of Commons.

Received from the House of Commons a message, together with a communication from the Governor of the 3d instant, transmitting the annual report of the Board of Internal Improvements, together with sundry documents; accompanied with a proposition from that House, that the communication of the Governor, together with the documents therein referred to, be printed, one copy for each member of the Legislature; which was agreed to, and the House of Commons informed thereof by message.

The bill to authorise the building a bridge across Neuse river at the place therein mentioned, and for other purposes, being again read for the third time, Mr. Joiner moved to amend the bill, by the insertion of an additional section as follows, to wit: "Be it further enacted, that at any time after eight years from the day of the completion of the bridge aforesaid, the General Assembly of North Carolina may in any manner alter the rates and toll permitted to be taken by the owner of said bridge: Provided always, that should no alteration be made by the Legislature as aforesaid, the said Wright C. Stanly, his heirs, executors, administrators or assigns, may be entitled to demand and receive the rates now established;" which amendment was agreed to. The question then recurred on the passage of the bill as amended the third time, and it passed in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The bill concerning the election of Sheriffs was read the third time, and the question being stated, shall the bill pass? it was determined in the negative—Yeas 30—Nays 32. The yeas and nays being demanded by Mr. Vanhook—

Those who voted in the affirmative, are Messrs. Burgin, Burney, Drake, Davidson, Franklin, Gray, Howze, Harrell, Hollamon, Hawkins, Locke, Love of Richmond, M'Dowell, Montgomery, Nuttall, Owen, Parker, Ramsay, Reinhardt, Riddick, Royal, Spaight of Craven, Salyear, Saunderson, Shuford, Sherard, Vanhook, Williams of Beaufort, Walton, Williams of Martin.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Alexander, Bethune, Bailey, Beasley, Brodnax, Deberry, Dobson, Davenport, Devane, Fuller, Hurst, Hinton, Joiner, Jones, Love of Haywood, M'Millan, Mathews, M'Daniel, M'Neill, M'Eachin, Pickett, Smith, Speight of Greene, Scott, Shober, Thomson, Wilson of Camden, Wilson of Edgecomb, Whitfield, Ward.

The following resignations were presented, to wit: By Mr. Joiner, the resignation of William Clark, as a Justice of the Peace for the county of Pitt; and by Mr. Franklin, the resignation of Robert Carson, as a Justice of the Peace for the county of Iredell; also received from the House of Commons the resignation of Francis H. Reeder, as Colonel Commandant of the



first regiment of the Wake Militia; which were severally read and accepted, and the two first named sent to the House of Commons.

And then the Senate adjourned until to-morrow, 10 o'clock.

WEDNESDAY, DECEMBER 5, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to establish Columbia Academy, on the lands of Joseph John Pippin, in the county of Edgecomb, and to incorporate the Trustees thereof; a bill to secure to Christiana Crittenden, of Stokes county, such property as she may hereafter acquire; and a bill to legitimate and alter the name of Mary Ann Eliza Tooley; in which they ask the concurrence of the House of Commons.

Mr. Pickett, from the Judiciary committee, to whom was referred a bill to provide for the final settlements of Executors and Administrators, reported the said bill without amendment.

Mr. Deberry presented the petition of Jennett Ingram, of the county of Montgomery, praying to be divorced from her husband Matthew Ingram. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Shober presented the memorial of sundry citizens of Stokes county, praying the passage of a law to prevent the further introduction of slaves into this State. Mr. Gray presented the petitions of sundry citizens of the counties of Randolph and Davidson. Ordered that the said petitions be referred to the committee of Propositions and Grievances.

Mr. Shuford presented the petition of Green B. Palmer, of Rutherford county, praying the passage of a law, whereby he may be enabled to effect a settlement with the Board of Internal Improvements, in relation to a certain contract therein set forth. Ordered that the said petition be referred to the committee on Internal Improvements.

On motion of Mr. Pickett,

*Resolved*, That the select joint committee, appointed to investigate the state of the Treasury department, and to amend and consolidate the laws respecting the same, have leave to sit during the hours of business in each day, until they shall finish the investigation.

On motion of Mr. Pickett,

*Resolved*, That the joint select committee, appointed to investigate the transactions of the Treasury department, and to consolidate and amend the laws respecting the same, be instructed to take into their possession all the monies, books, and archives, deposited in the Treasury office, until the appointment of a Treasurer shall be made.

Received from the House of Commons, a message, stating their agreement to the proposition of the Senate, of yesterday, to ballot again for a Governor, withdrawing the name of John Stanly from the nomination, and appointing Mr. Morehead and Mr. Blackledge a committee, on the part of that House, to superintend the balloting. Whereupon a message was sent to that House, naming Mr. Brodnax and Mr. Bailey superintendents on the part of the Senate.

Mr. Brodnax, from the committee appointed to conduct the balloting for a Governor, reported that no person in nomination had a majority of votes; whereupon, on motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing to ballot again immediately for a Governor; and a message was received from that House, agreeing to the proposition of the Senate, and stating that Messrs. Blount and Hill are the superintendents on the part of the House of Commons, and with-



drawing the name of Col. William Polk; whereupon a message was sent to that House, naming Messrs. Shober and Williams of Martin the balloting committee on the part of the Senate.

Received from the House of Commons, a message, stating that Messrs. Adams and M'Millan attend the Senate, to conduct the balloting for a Brigadier General of the 14th Brigade, and nominating for the appointment Messrs. Archibald M'Eachin, Reading Anderson, Alfred Dockery and Walter F. Leak; whereupon a message was sent to that House, appointing Messrs. Burney and M'Millan the superintending committee on the part of the Senate.

Mr. Shober, from the committee appointed to conduct the balloting for a Governor, reported that James Iredell having a majority of all the votes, is duly elected; which report was concurred in.

On motion of Mr. Hawkins.

*Resolved*, That the committee of Propositions and Grievances be instructed to inquire into the expediency of discharging from imprisonment Thomas H. Christinas, who is in bad health, and who is now confined in the jail of Warren county, on account of being unable to obtain security in an enormous sum, which was required of him for his good behaviour; and that they report by bill or otherwise.

Mr. Burney, from the committee appointed to conduct the balloting for a Brigadier General of the 14th Brigade, reported that no person in nomination had received a majority of votes. On motion of Mr. Burney, a message was sent to the House of Commons, proposing a further ballot for Brigadier General of the 14th Brigade.

Received from the House of Commons, a message, stating that they do not agree to ballot for Major General of the 7th Division at the time proposed by the Senate; but propose to ballot for that officer to-morrow; which proposition was agreed to; and a message was sent to the House of Commons, informing them thereof, and nominating for the appointment Brigadier General John Alston.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, made a report, which was read; when Mr. Williams, of Martin, reported a bill to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire; which was read the first time and passed.

The bill for the relief of persons who have made entries of land with entry takers, or who have had lands surveyed by surveyors, who have not renewed their bonds agreeably to law, was read the second time and passed; when, on motion of Mr. Love, of Haywood, ordered that the said bill be referred to the committee on the Judiciary.

Received from the House of Commons the following resolution, to wit:

*Resolved*, That so much of the Governor's message as relates to a communication from the American Minister at London, be referred to a joint select committee of three members of each House, with instructions to inquire what measures this Legislature should take, consistent with considerations of just policy, towards the publication of a History of North-Carolina; and that they report by bill or otherwise.

*Resolved*, That Messrs. Fisher, Kerr and M'Millan, form the committee on the part of this House.

Which resolution was not agreed to; and, on motion of Mr. Speight, of Greene, a message was sent to the House of Commons, stating that the Senate, having already referred the subject embraced in their resolution to a select joint committee of their own body, do not agree thereto.

Received from the House of Commons, a message, proposing to ballot for Public Treasurer at the meeting of the two Houses on Monday next, and nominating for the appointment William Robards and John S. Hay-



wood; which was not agreed to, and a message was sent to the House of Commons, stating the disagreement of the Senate, and proposing to ballot for that officer on Wednesday next.

Received from the House of Commons the following resolution:

*Resolved*, That all resolutions, the object of which is to draw money out of the Public Treasury, shall be read three times in each House of this Legislature before they take effect, and shall not be read more than twice on the same day.

Which was not agreed to; and a message was sent to the House of Commons, stating that the Senate having a rule of their House, directing the number of times resolutions appropriating public money shall be read before they pass, the Senate do not agree to the resolution on that subject.

Mr. Davidson presented the following resolution, to wit:

*Resolved*, That the Speakers of each House of this General Assembly, be, and they are hereby authorised to draw on the Cashiers of either of the Banks in this city, with whom public money is deposited, for all such sums of money as may be necessary for the expenditure incurred in either House.

Which was not agreed to.

Received from the House of Commons, the resignation of John S. Haywood, Public Treasurer; which, with the accompanying communication, was read, and the resignation accepted.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### THURSDAY, DECEMBER 6, 1827.

Mr. Jones presented a bill to allow further time for the payment of the purchase money on entries for vacant land, made in the year 1825, which will lapse on the 15th day of December, 1827; which was read the first time and passed.

Mr. Deberry presented the petition of sundry inhabitants of Montgomery county, praying that a law may be passed to prevent the further introduction of slaves into this State. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of allowing the State the right of challenge in criminal cases, made a report, which was read; when Mr. Pickett reported a bill to allow the right of challenge to the State in certain cases; which was read the first time and passed.

Mr. Pickett, from the same committee, to whom was referred the petition of sundry merchants and other citizens of Elizabeth City, reported a bill to incorporate the Elizabeth City Marine Insurance Company; which was read the first time and passed.

On motion of Mr. Mathews,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the existing laws relative to recording and registering deeds of trust, mortgages, &c. so as to give greater publicity to the same; and that they report by bill or otherwise.

Mr. Jones presented a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; which was read the first time and passed.

Mr. M'Neill presented a petition of sundry citizens of Moore county, relative to the establishment of a Fair. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Spaight, of Craven, presented the petition of Keziah Sawyer, of



the town of Newbern, praying that a law may be passed either to dissolve the bonds of matrimony existing between her and her husband, James Sawyer, or to secure to her such property as she may hereafter acquire. Ordered that the said petition be referred to the committee on Divorce and Alimony.

On motion of Mr. Vanhook, a message was sent to the House of Commons, proposing to ballot on Monday next for a Solicitor General of the 4th Judicial Circuit, and nominating for the appointment John M. Morehead, John Scott and Romulus M. Saunders.

Received from the House of Commons the following resolution, to wit:

*Resolved*, That the joint select committee appointed to investigate the accounts of the Treasury Department, and to amend and consolidate the laws, have leave to sit during the hours of business in each day, until they shall finish the investigation.

Endorsed in that House, "read and agreed to."

Received also from that House, the following resolution, to wit:

*Resolved*, That the joint select committee appointed to investigate the transactions of the Treasury Department, and to consolidate and amend the laws respecting the same, be instructed to take into their possession all the monies, books and archives deposited in the Treasury Office, until the appointment of a Treasurer shall be made.

Endorsed in that House, "read and agreed to."

The following bills, to wit: a bill to incorporate the Elizabeth City Marine Insurance Company, and a bill to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire, were read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Saunderson, the Senate considered the resolution in favor of the agent of the administrator of John J. Bonner; and the said resolution being read, Mr. Pickett moved to strike out the words "John S. Haywood," in the first line of the resolution; which was agreed to. The question then recurred on the passage of the resolution, as amended, for the third time, and it passed in the affirmative, and was ordered to be engrossed.

A message was received from the House of Commons, stating that Messrs. M'Nair and Gillespie attend the Senate, as a committee on the part of the House of Commons, to conduct the balloting for Brigadier General of the 14th Brigade. Whereupon a message was sent to the House of Commons, appointing Messrs. Beasley and Whitfield superintendents of the balloting on the part of the Senate, and withdrawing the name of Reading Anderson.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, made a report, which was read; when Mr. Williams, of Martin, reported a bill to divorce John Salyear, of the county of Currituck, from his wife Elizabeth; which was read the first time and passed.

Mr. Beasley, from the committee appointed to conduct the balloting for a Brigadier General of the 14th brigade, reported that no person in nomination had a majority of votes.

Received from the House of Commons, a message, naming Messrs. Busbee and Mann superintendents of the balloting for Major General of the 7th division, and adding to the nomination the name of Henry Blount, of Nash. A message was thereupon sent to the House of Commons, stating the appointment of Messrs. Williams, of Martin, and Burney, superintendents of the balloting on the part of the Senate.



Mr. M'Neill presented the petition of William Barrett, of Moore county, praying the loan from the State of two hundred and fifty dollars for one year without interest, to aid him in working a gold mine. Ordered that the said petition be referred to a joint select committee. The committee consists of Messrs. M'Neill, Deberry, Davidson, Jones and Bethune, on the part of the Senate; and a message was sent to the House of Commons, asking their concurrence therein.

A message was received from the House of Commons, stating that Messrs. Barnard and Conrad attend the Senate as superintendents of the balloting heretofore agreed on for Public Printer for the ensuing year, and proposing that the ballot be now had for that appointment, which was agreed to, and a message sent to that House, informing them thereof, and that Messrs. Davenport and Askew, of Bertie, are appointed of the balloting committee on the part of the Senate.

Mr. Williams, of Martin, from the committee appointed to conduct the balloting for Major General of the 7th division, reported that no person in nomination had a majority of votes.

A message was received from the House of Commons, proposing to ballot again immediately for Major General of the 7th division; which proposition was not agreed to. Whereupon, on motion of Mr. Drake, a message was sent to that House, informing them of the disagreement of the Senate, and proposing that a ballot be had for Major General of the 7th division on to-morrow.

Mr. Askew, of Bertie, from the committee of superintendence of the balloting for Public Printer, reported that Lawrence & Lemay are duly elected; which report was concurred in.

A message was received from the House of Commons, proposing a further ballot for a Brigadier General of the 14th brigade, and naming Messrs. Taylor and Troy of the balloting committee on the part of that House. Whereupon a message was sent to the House of Commons, agreeing to the proposition, and appointing Messrs. Beasley and Ramsay to conduct the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that the name of James Seawell is added to the nomination for Public Treasurer.

Mr. Ramsay, from the committee appointed to conduct the ballot for Brigadier General of the 14th brigade, reported that no person in nomination had a majority of votes.

A message was received from the House of Commons, proposing that another balloting be had for Brigadier General of the 14th Brigade, and withdrawing the name of Walter F. Leake; which proposition was agreed to, and a message was sent to that House, informing them thereof, and naming Messrs. M'Millan and Burney of the committee of superintendence on the part of the Senate. Thereupon a message was received from the House of Commons, appointing Messrs. Hill and Jones of Rowan of the balloting committee on their part.

Received from the House of Commons, the certificate of allowance made by the County Court of Cumberland, in favor of Sherwood Fort, a pensioner, endorsed in that House "read and countersigned by the Speaker." On motion of Mr. Bethune, ordered that the said certificate be countersigned by the Speaker of the Senate; which was accordingly done.



Received from the House of Commons, a message, announcing to the Senate, that Thomas Settle, of Rockingham, had been unanimously elected Speaker of that House, in the room of James Iredell, resigned.

A message was received from the House of Commons, stating that they have passed the engrossed bill authorising Thomas Brown, of the county of Haywood, to erect two gates, for one year, on the public road leading from Franklin down the Tennessee river; in which they ask the concurrence of the Senate.

Received also from that House, a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bill authorising the building a bridge across Neuse river at the place therein mentioned, and for other purposes. Thereupon, the said bill was ordered to be enrolled.

Received from the House of Commons, a communication from the Governor, transmitting to the General Assembly the report of the Adjutant General of the Militia of North Carolina, together with several resignations received by him since the commencement of the session; which being read, was ordered to lie on the table.

The following resignations were received from the House of Commons, to wit: The resignation of Edward Jones, as Solicitor General; the resignation of Thomas Brown, as Lieutenant Colonel of the forty-second regiment of Militia; and the resignation of Abner Smith, as a Justice of the Peace for the county of Ashe; which were severally read and accepted.

And then the Senate adjourned until to-morrow, 10 o'clock.

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FRIDAY, DECEMBER 7, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to incorporate the Elizabeth City Marine Insurance Company; and a bill to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire; also, the engrossed resolution in favor of the agent of the administrator of John J. Bonner; in which they ask the concurrence of the House of Commons.

Mr. Burgin presented a bill concerning the election of County Surveyors; which was read the first time and passed.

Mr. Love, of Richmond, presented a bill to repeal an act, passed in the year 1823, entitled "an act to regulate the Courts of Pleas and Quarter Sessions for Richmond county;" which was read the first time and passed.

Mr. Dobson presented a bill, making it the duty of Sheriffs to notify persons of the day on which their lands will be sold for taxes, and for other purposes; which was read the first time and passed. On motion of Mr. Shober, ordered that the said bill be referred to the Judiciary Committee.

Mr. Burney, from the committee appointed to conduct the balloting for a Brigadier General of the 14th Brigade, reported that Alfred Dockery was duly elected; in which report the Senate concurred.

Received from the House of Commons, a message proposing the appointment of a joint select committee, consisting of two persons on the part of each House, to wait on James Iredell, and to inform him of his election to the Chief Magistracy of the State; and to enquire of him when it will be convenient for him to take the oaths of office, and naming of the



committee on the part of that House, Messrs. Morehead and Blount; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Brodnax and Bailey are appointed of the committee on the part of the Senate.

A message was also received from the House of Commons, agreeing to the proposition of the Senate, to ballot on Monday next for Solicitor of the 4th Judicial Circuit.

On motion of Mr. Spaight, of Craven, Nathan B. Whitfield, the Senator from the county of Lenoir, had leave of absence from the services of the Senate, from and after this day, until Monday next.

Received from the House of Commons a message, proposing to ballot again immediately for Major General of the 7th Division; which was agreed to, and a message was sent, informing that House of the agreement of the Senate to their proposition, and stating that Messrs. Sherard and Nuttall attend to conduct the ballot on the part of the Senate. Whereupon, a message was received from the House of Commons, appointing Messrs. Gary and Busbee of the committee of superintendence on their part.

Mr. Sherard, from the committee appointed to conduct the ballot for a Major General of the 7th Division, reported that Micajah T. Hawkins was duly elected; in which report the Senate concurred.

The bill to divorce John Salyear, of the county of Currituck, from his wife Elizabeth, was read the second and third times, and ordered to be engrossed.

The engrossed bill authorising Thomas Brown, of the county of Haywood, to erect two gates, for one year, on the public road leading from Franklin down the Tennessee river, was read the second and third times and passed, and ordered to be enrolled.

A message was received from the House of Commons, stating that they have passed the engrossed bill to alter an act, entitled "an act to amend the fourth section of an act, passed in the year one thousand eight hundred and four, fixing the time for paying the purchase money into the Treasury on entries of land;" which was read the first time and passed.

Received from the House of Commons a message, proposing to ballot immediately for a Brigadier General of the 15th Brigade, as heretofore agreed on; and stating that Messrs. Clayton and Glasgow attend the Senate to conduct the ballot on the part of that House. Whereupon, a message was sent to the House of Commons, agreeing to their proposition, and appointing Messrs. Alexander and Nuttall of the balloting committee on the part of the Senate.

The bill to allow further time for the payment of the purchase money on entries for vacant land, made in the year 1825, which will lapse on the 15th day of December, 1827, was read the second time and passed.

The bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the second and third times and passed, and ordered to be engrossed.

Mr. Scott presented a bill to amend an act, passed in the year 1815, entitled "an act making further provisions in favor of the owners of strays;" which was read the first time and passed.

On motion of Mr. Shober,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of revising and consolidating the different acts of Assembly, relative to the manner in which lands liable to taxes are to be sold, with such amendments as may be necessary to create more publicity of an intended sale, and a better notice to proprietors;



Received from the House of Commons a message, proposing that Thursday next be set apart for balloting for all officers to fill the vacancies existing in the Militia of this State, except such ballotings as the two Houses have already agreed shall take place on a day certain; which was agreed to, and the House of Commons informed thereof by message.

Mr. Wilson, of Camden, presented the petition of Willie M'Pherson and Samuel Procter, of Camden county, praying the passage of a law to exempt them from making a road on a canal therein specified, as required by the provisions of an act of the General Assembly of 1804, and of the act of 1808, supplemental thereto; and an extension of the charter of the White Oak Spring Canal Company. Ordered that the said petition, with the accompanying documents, be referred to the committee on Internal Improvement.

Mr. Harrell, of Gates, presented the petition of certain citizens of the county of Gates and others, praying the Legislature not to renew or extend the charter of the White Oak Spring Canal Company. Ordered that the said petition be referred to the committee on Internal Improvement.

Mr. Sherard presented the resignation of Jesse Barden, as a Justice of the Peace for the county of Wayne; which was read and accepted.

Received from the House of Commons, the following resignations, to wit: The resignation of John Cannon, as a justice of the peace for the county of Pitt; the resignation of David G. Flannegin, of the county of Mecklenburg, as a justice of the peace; the resignation of Ezekiel Slocumb, as a justice of the peace for the county of Wayne; and the resignation of William Pyron, as a justice of the peace for the county of Mecklenburg; also the resignation of Merrit Burgin, as Colonel Commandant of the third regiment of the county of Burke; and the resignation of Cyrus Christian, as Major of the south regiment of militia of the county of Granville; which were severally read and accepted by the Senate.

And then the Senate adjourned until 10 o'clock, to morrow.

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SATURDAY, DECEMBER 8, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to divorce John Salyear, of the county of Currituck, from his wife Elizabeth; and a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; in which they ask the concurrence of that House.

Mr. Brodnax, from the committee appointed to wait on James Iredell, and to inform him of his election to the Chief Magistracy of the State, and to ascertain when it will be convenient for him to qualify, reported that the committee had performed the duty assigned them, and that the Governor elect would on this day, at 12 o'clock, attend the Legislature to take the several oaths prescribed by law for his qualification.

Mr. Nuttall, of the committee to conduct the balloting for Brigadier General of the 15th brigade, reported that Athan A. M'Dowell was duly elected; in which report the Senate concurred.

On motion of Mr. Speight, of Greene, Gabriel Sherard, the Senator from the county of Wayne, obtained leave of absence from the services of the Senate, from and after this day, until Monday next.

Received from the House of Commons, a message, naming Messrs.



Fisher and Webb to conduct the balloting for a Brigadier General of the 16th brigade, heretofore agreed on, and proposing that the ballot take place this morning; which proposition was agreed to, and a message was sent to that House, stating the agreement, and appointing of the balloting committee on the part of the Senate Messrs. Davenport and Burney.

Mr. Locke presented a bill to repeal an act, passed in the year 1824, entitled "An act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick;" which was read the first time and passed.

Mr. Burney, from the committee to conduct the ballot for Brigadier General of the 16th brigade, reported that no person in nomination had a majority of votes.

On motion of Mr. Vanhook, a message was sent to the House of Commons, proposing to ballot again immediately for a Brigadier General of the 16th brigade, and appointing Messrs. Brodnax and Vanhook superintendents on the part of the Senate. Whereupon, a message was received from the House of Commons, agreeing to the proposition, and stating that Messrs. Lewis and Lawson attend the Senate to conduct the ballot on the part of that House.

A message was sent to the House of Commons, stating that the Senate do not agree to their proposition to appoint a select joint committee to inquire into the expediency of instructing the Board of Internal Improvements relative to a survey for a rail road.

On motion of Mr. Drake, a message was sent to the House of Commons, stating that the name of John L. Henderson is added to the nomination for Public Treasurer.

The following bills, to wit: The bill to repeal an act, passed in 1823, entitled "An act to regulate the Courts of Pleas and Quarter Sessions of Richmond county;" and a bill to repeal an act, passed in the year 1824, entitled "An act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick," were severally read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. M'Eachin,

*Resolved*, That the committee on the Militia Laws be instructed to inquire into the expediency of so amending the Militia Laws, as that every captain or commanding officer of a company shall have discretionary powers as to the time of keeping his men under arms; and also into the expediency of extending the same exemption from militia duties to all officers, as is now given to continental officers; and that they report by bill or otherwise.

Mr. Hinton, from the select committee, to whom was referred the bill to alter the times of holding the Superior Courts of Law and Equity in the third Judicial Circuit, reported the said bill without amendment.

Mr. Owen presented the petition of Purdie Richardson, Moses King and Stephen King, citizens of the county of Brunswick, praying to be attached to the county of Bladen, together with a bill to annex part of Brunswick county to the county of Bladen; which bill was read the first time and passed. On motion of Mr. Owen, ordered that the said bill, together with the petition and accompanying documents, be referred to the committee of Propositions and Grievances.

Mr. Owen, of the committee on Internal Improvements, to whom was referred a resolution instructing them to inquire what progress has been made towards completing the navigation of Roanoke river, together with a bill to repeal an act, passed in the year 1823, entitled "An act concern-



ing the Roanoke Navigation Company," reported the bill without amendment.

Received from the House of Commons, a message, proposing the appointment of a joint select committee to wait on James Iredell, the Governor elect, and to conduct him into the Commons Hall, to take the usual oaths of office, and appointing of the committee, on the part of that House, Messrs. Moore and Morehead; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof; and that Messrs. Speight, of Greene, and Wilson, of Edgecomb, form the committee on the part of the Senate.

The hour designated by the Governor elect for his qualification, having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two Houses of the Legislature convened in the Commons Hall; when the oaths prescribed by law to be taken by the Governor, before entering on the duties of his appointment, were administered in the presence of both branches of the Legislature, to James Iredell, by Johnson Busbee, one of the justices of the peace of Wake county. Whereupon, the Senate returned to their chamber for the purpose of legislation.

Mr. Vanhook, from the committee to conduct the balloting for a Brigadier General of the 16th brigade, reported that Thomas W. Norman is duly elected; in which report the Senate concurred.

Received from the House of Commons, a message, stating that they do not agree to the proposition of the Senate, to refer the petition of William Barrett, of Moore county, to a select joint committee.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the memorial of John Conally, made a report thereon, which was read; and the resolution therein contained, was concurred in by the Senate, as follows: *Resolved*, that the prayer in the memorial contained, be not allowed.

Mr. Shober, from the same committee, made a report on the petition of certain citizens of Moore county, relative to the establishment of a Fair, which was read; and the resolution therein contained, was concurred in by the Senate, as follows: *Resolved*, that the prayer of the petitioners be not allowed.

The following petitions were presented, to wit: By Mr. M'Eachin, the petition of Mary E. Rowland, of Robeson county, praying to have such property secured to her as she may hereafter acquire; by Mr. Dobson, the memorial of sundry citizens of Surry county, praying the passage of a law to prevent the further introduction of slaves into this State. Ordered that the said petition and memorial be referred to the committee of Propositions and Grievances.

Received from the House of Commons, the certificate of allowance of the County Court of Craven, in favour of Thomas Ewell and Christopher Bexley; also the certificate of allowance from the same court, in favour of Captain John Rhem, endorsed in that House "read and countersigned by the Speaker."

Mr. Vanhook presented the resignation of Obediah Falknor, as the Colonel Commandant of the regiment of militia of Person county.

Received from the House of Commons, a message, proposing the appointment of a select joint committee, to consist of five members of each



House, to inquire into the most advisable mode of representing the interest of the State in the Cape-Fear Bank, at the meeting of the Stockholders shortly to be held in Wilmington; and that they be instructed to inquire into the propriety of agreeing to the surrender of the charter of the said Bank, provided such proposal be made at the contemplated meeting; and appointing Messrs. Jones, of Rowan, Hill, Eccles, Blackledge and Spruill, of the committee on the part of that House; which proposition was agreed to, and Messrs. Speight, of Greene, Owen, Spaight, of Craven, Ward and Davenport, were named of the committee on the part of the Senate.

Received from the House of Commons the following resignations, to wit: the resignation of William Allen, as Colonel Commandant of the regiment of militia of Greene county; and the resignation of Alfred Dockery, as Colonel Commandant of the first regiment of Richmond militia; which were severally read and accepted by the Senate.

And then the Senate adjourned until 10 o'clock, Monday morning.

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MONDAY, DECEMBER 10, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to repeal an act, passed in 1823, entitled "An act to regulate the Courts of Pleas and Quarter Sessions of Richmond county;" and a bill to repeal an act, passed in the year 1824, entitled "An act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick;" in which they ask the concurrence of that House.

Mr. Speight, of Greene, presented a bill to authorise Zachariah Elliott, one of the securities of Henry S. Taylor, late Sheriff of Greene county, to collect arrears of taxes; which was read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Millwee, of the county of Mecklenburg, made a report, which was read, and the resolution therein contained, as follows, to wit: *Resolved*, That John Millwee, of the county of Mecklenburg, be, and he is hereby placed on the pension list of the State, at the rate of seventy-five dollars per annum; and that the Treasurer of the State pay the said sum to the said Millwee annually, from any unappropriated money in the Treasury, as long as he shall live, or his wants require it, upon an authenticated certificate, countersigned by the Speakers of both Houses of the Legislature; and that one half of the first annuity (which would become due twelve months hence) shall be paid to him at the rise of the present General Assembly; which was read the first time and passed.

Received from the House of Commons a message, proposing that the report of the Adjutant General be printed, one copy for each member of the Legislature; which was agreed to, and a message sent to that House, informing them thereof.

On motion of Mr. Ward, a message was sent to the House of Commons, proposing to refer the report of the Adjutant General to a joint select committee; and stating that Messrs. Ward, Jones, Owen, Williams, of Beaufort, and Davidson, are appointed of the committee on the part of the Senate.

The bill to authorise Zachariah Elliott, one of the securities of Henry



S. Taylor, late Sheriff of Greene county, to collect arrears of taxes, was read the second time and passed.

On motion of Mr. Parker,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of withdrawing any further appropriation, by the Treasurer of this State, for the education of Miss Udney M. Blakely.

Mr. Deberry presented the certificate of allowance made by the County Court of Cumberland, in favor of Lucy Shaw, the widow of David Shaw, a militia soldier of the revolutionary war. On motion of Mr. Speight, of Greene, ordered that the said certificate be referred to the committee of Claims.

Mr. Fuller presented a bill to alter the place of holding the Battalion muster in Carteret county; which was read the first time and passed.

The bill to amend an act, passed in the year 1815, entitled "an act making further provisions in favor of the owner of strays," being read the second time, Mr. Speight, of Greene, moved to amend the bill, by striking out the word "stray," in the 13th line of the first section of the bill, and to insert in lieu thereof the following words, to wit: "horse, mare, gelding or mule;" which amendment was agreed to. Mr. McEachin then moved the indefinite postponement of the bill; which was not agreed to. The question then recurred on the passage of the bill the second time as amended, and it passed in the affirmative.

Received from the House of Commons a message, stating that Mr. Jones of Rowan, and Mr. Mann, attend the Senate as superintendents of the balloting for Solicitor General, as heretofore agreed on; and a message was thereupon sent to that House, naming Messrs. Wilson, of Edgecomb, and Ramsay, of the balloting committee on the part of the Senate.

Mr. Wilson, of Edgecomb, from the committee appointed to superintend the ballot for Solicitor General, reported that John Scott having a majority of all the votes, is duly elected; in which report the Senate concurred.

The bill to alter the place of holding a battalion muster in Carteret county, and the resolution in favor of John Millwee, of Mecklenburg county, were severally read the second and third times and passed, and were ordered to be engrossed.

Mr. Ward presented the following resolutions, to wit:

*Resolved by the Senate and House of Commons*, That the Comptroller of this State be directed to take an inventory of all the property of every description, belonging to the State, and appertaining to the house of the Governor, during this session of the Legislature; and that he hereafter take an inventory of the said property, at the expiration of the term of the several Governors of this State, hereafter to be appointed; and that he file the said inventory in his office, subject to the inspection of the members of the Legislature.

*Resolved*, That the said Comptroller take an inventory of the property of the State, belonging to the Capitol, at the expiration of each session of the Legislature; and that he file the same in his office, there to be kept, subject to the inspection of the members of the Legislature.

Which were read and agreed to, and ordered to be engrossed.

The bill concerning the election of County Surveyors, was read the second time and passed.

Received from the House of Commons the following resolutions, to wit:

*Resolved*, That a joint select committee, to consist of three members on the part of each House, be raised and instructed to inquire into the expediency of ascertaining what quantity of surplus produce is made in each and every county of this State; in what it consists; to what market or markets it is carried; and what the expense of getting it to market.

*Resolved*, That shall the committee, on investigation and deliberation, believe the infor-



mation important and attainable, that they be requested to submit a plan for its accomplishment to the Legislature for its consideration.

Messrs. Blount, Moore and Fisher form the committee on the part of the Commons; which being read, and the question on the passage thereof being put, it was determined in the negative, and a message sent to the House of Commons, informing them thereof.

The bill to alter the times of holding the Superior Courts of Law and Equity in the third Judicial Circuit, being read the second time, Mr. Williams, of Martin, moved, that the said bill be indefinitely postponed; and the question thereon being put, it was determined in the affirmative.

The engrossed bill to alter an act, entitled "an act passed in the year 1804, fixing the time for paying purchase money into the Treasury on entries of land," being read the second time, Mr. Jones moved to amend the said bill by *striking out* the words of the bill which occur between the word "five," in the 8th line of the first section, and the word "any," in the 11th line of the said section, and to *insert* the following, to wit: "And such entries, upon payment thereof within the said time, shall be as good and valid, as if the said payment had been made before the 15th of December, 1827;" which amendment was agreed to. The question then recurred on the passage of the bill the second time as amended, and it was determined in the affirmative; and the bill was subsequently read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Alexander presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay John W. Hamilton, or his representative, the sum of eleven dollars and twenty cents, the amount of insolvent taxables and removals, not allowed in his settlement with the Public Treasurer, as Sheriff of Cabarrus county, for the preceding year.

Which was read the first time and passed, and, on motion of Mr. Alexander, referred to the committee of Claims.

Mr. Holleman presented the petition of Ransom Capel, of the county of Northampton, praying remuneration for a certain runaway slave, who was killed. Ordered that the said petition be referred to the committee on Claims.

Mr. Hawkins presented the petition of John B. Thrower, of Warren county, praying the Legislature to pass a law, authorising him, as administrator of Sterling P. Thrower, to sell a certain piece of land, for the benefit of the heir of the said Sterling P. Thrower. Ordered that the said petition be referred to the committee on the Judiciary.

The following resignations were presented, to wit: by Mr. Thomson, the resignations of Allen Adams and David Daniel, justices of the peace for the county of Johnson; and by Mr. Scott, the resignation of Alexander W. Brandon, a justice of the peace for the county of Anson; which were severally read and accepted, and sent to the House of Commons.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### TUESDAY, DECEMBER 11, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, to wit: A bill to alter the place of holding a battalion muster in Carteret county; also the engrossed resolution instructing the Comptroller to take inventories of certain property belonging to the State; and the resolution in favor of John Millwee, of



Mecklenburg county, in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Mary E. Rowland, of Robeson county; which being read, Mr. Shober reported a bill to secure to Mary E. Rowland, of Robeson county, such property as she may hereafter acquire; which was read the first time and passed.

Mr. Shober, from the same committee, made a report on the petition of Abner Alexander, of Mecklenburg county; which was read, and the resolution therein contained was concurred in, as follows, to wit: *Resolved*, That the prayer of the petitioner be not allowed.

Received from the House of Commons a message, stating their agreement to the amendment made by the Senate to the engrossed bill to alter an act, entitled "an act to amend the 4th section of an act, passed in the year 1804, fixing the time for paying purchase money into the Treasury, on entries of land." Thereupon, the said bill was ordered to be enrolled.

Mr. Jones, from the committee on the Militia and Militia Laws, made a report on the petition of sundry citizens of Burke county; which was read; when Mr. Jones reported a bill, to add all that part of the second regiment of Militia of Burke county, lying south of the Catawba river in said county, to the first regiment; which was read the first time and passed.

Mr. Williams, of Martin, of the committee of Divorce and Alimony, made a report on the petition of William D. Taylor, of the county of Martin; which was read, when Mr. Williams, of Martin, reported a bill to divorce William D. Taylor, of the county of Martin, from his wife Nancy; which was read the first time and passed.

The bill to authorise Zachariah Elliott, one of the securities of Henry S. Taylor, late Sheriff of Greene county, to collect arrears of taxes, being read the third time, Mr. Joiner moved to amend the said bill, by adding thereto a proviso, as follows, to wit: "*Provided*, that the collection shall not extend to administrators and executors, or to persons who have removed out of the county, or to those who will make oath before some justice of the peace that they have paid the same;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the third time; and it passed in the affirmative, and was ordered to be engrossed.

The bill to amend an act, passed in the year 1815, entitled "an act making further provisions in favour of the owner of strays," being read the third time; and the question thereon being taken, it was determined in the negative.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to divorce John Salyear, of Currituck county, from his wife Elizabeth; and that they have indefinitely postponed the engrossed bill, to repeal an act, passed in 1823, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Richmond county."

The bill concerning the election of county surveyors being read the third time, Mr. Hinton moved to amend the said bill, by *striking out* the words "a majority of," in the 10th line of the bill, and *inserting* in lieu thereof the word "seven." Whereupon, on motion of Mr. Love, of Haywood, the said bill was ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to secure to Jane



Wilson, of Buncombe county, wife of James Wilson, such property as she may hereafter acquire; and a bill to establish a turnpike road in the county of Buncombe; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Sherard presented the petition of Jesse Borden, of Wayne county, praying to be divorced from his wife Anna; also the petition of Ann Maria Borden, of the same county, praying the Legislature not to interfere with the ties of matrimony, existing between her and her husband, Jesse Borden. Ordered that the said petitions be referred to the committee on Divorce and Alimony.

Mr. M'Dowell presented the memorial of David Rogers, of Buncombe county, praying a reimbursement for money expended, and damages sustained, in the purchase of a tract of land within the bounds of the territory, lately acquired from the Cherokees. Ordered that the said memorial be referred to the committee on Cherokee Lands.

Mr. Spaight, of Craven, presented a communication from S. J. Baker, to Hutchins G. Burton, late Governor of the State, on the subject of the Tuscarora lands. Ordered that the said communication be referred to the committee on the Tuscarora Lands.

Mr. Davidson presented the petition of Eliza Simons, alias Dowling, of Mecklenburg county, praying the Legislature to grant her a divorce from the bonds of matrimony existing between her and her husband Zacheus Dowling. Ordered that the said petition be referred to the committee on Divorce and Alimony.

The Senate resolved itself into a committee of the whole House, Mr. Owen in the Chair, on the bill for the division of Haywood county; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Owen reported that the committee had, according to order, had the said bill under consideration, and had directed him to report an amendment thereto, to wit: to strike out the first section of the bill. Mr. Speight, of Greene, moved that the said bill, together with the amendment, be indefinitely postponed; and the question thereon being taken, it passed in the affirmative—yeas 33, nays 29. The yeas and nays being demanded by Mr. Drake—

Those who voted in the affirmative, are Messrs. Askew, of Bertie, Askew, of Hertford, Bailey, Beasley, Burney, Drake, Davenport, Devane, Fuller, Hurst, Howze, Harrell, Hinton, Hawkins, Joiner, Matthews, M'Daniel, Nuttall, Riddick, Royal, Spaight of Craven, Salyear, Speight of Greene, Saunderson, Sherard, Thompson, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Those who voted in the negative, are Messrs. Alexander, Burgin, Bethune, Brodnax, Deberry, Dobson, Davidson, Franklin, Gray, Hollamon, Jones, Locke, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Neill, Montgomery, M'Eachin, Owen, Pickett, Parker, Ramsay, Reinhardt, Smith, Scott, Shuford, Shober, Vanhook.

Mr. Pickett, from the select joint committee appointed to investigate the accounts of the Treasury department, and to amend and consolidate the laws respecting the same, made a detailed report; which was read, when Mr. Pickett reported a bill concerning the Public Treasurer; which was read the first time and passed. On motion of Mr. Speight, of Greene, ordered that the said bill be committed to a committee of the whole House, and made the order of the day for Thursday next, and that it be printed, one copy for each member of the Legislature. Whereupon a motion was made by Mr. Pickett, that a message be sent to the



House of Commons, proposing to print the report of the committee, three copies for each member of the Legislature. Mr. Nuttall moved to amend the motion, by striking out "three" and inserting "five;" which was agreed to. The question then recurred on the motion of Mr. Pickett as amended, and it passed in the affirmative, and a message sent to the House of Commons in conformity therewith.

Received from the House of Commons, a message, stating that the name of Hutchins G. Burton is added to the nomination for Public Treasurer. And then the Senate adjourned until 10 o'clock, to-morrow.

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WEDNESDAY, DECEMBER 12, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, to wit: A bill to authorise Zachariah Elliott, one of the securities of Henry S. Taylor, late Sheriff of Greene county, to collect arrears of taxes; in which they ask the concurrence of that House.

Mr. Whitfield presented a bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river; which was read the first time and passed.

Received from the House of Commons, a message, stating that Messrs. Brevard and Morehead now attend the Senate to conduct, on the part of that House, the ballot for Public Treasurer, heretofore agreed on to take place this day. Whereupon a message was sent to the House of Commons, naming Messrs. Franklin and Bailey of the balloting committee on the part of the Senate.

Mr. Pickett, from the Judiciary committee, to whom was referred a resolution relative to amending the dower laws, reported a bill to amend the different acts of the General Assembly concerning dower; which was read the first time and passed.

Mr. Pickett, from the same committee, to whom was referred the bill for the relief of persons who have made entries of land with entry takers, or who have had lands surveyed by surveyors, who have not renewed their bonds agreeable to law, reported the said bill without amendment; and the bill was read the third time and passed, and ordered to be engrossed.

Mr. Pickett, from the same committee, to whom was referred the petition of John B. Thrower, reported that it would be inexpedient to grant the prayer of the petitioner; which report was concurred in.

Mr. Pickett, from the same committee, to whom was referred the resolution relative to the expediency of giving the Superior and County Courts exclusive jurisdiction in certain cases, reported that it is inexpedient to amend the existing laws on these subjects; which report was concurred in.

Mr. Bailey, from the committee appointed to conduct the ballot for Public Treasurer, reported that no person in nomination had a majority of votes.

Received from the House of Commons, a message, proposing to ballot again immediately for Public Treasurer; which proposition was agreed to, and a message was sent to that House, stating the agreement of the Senate, and naming Messrs. Williams, of Martin, and M'Millan, of the balloting committee on their part. Whereupon a message was received



from the House of Commons, stating that Messrs. Blount and Bozman are appointed to conduct the balloting for Public Treasurer on their part.

Mr. Pickett presented a bill to incorporate the North-Carolina Gold Mining Company; which was read the first time and passed.

Mr. Williams, of Martin, from the committee to conduct the ballot for a Public Treasurer, reported that no person in nomination had a majority of votes.

A message was received from the House of Commons, proposing a further ballot for Public Treasurer; which proposition was agreed to, and a message sent to that House, informing them thereof, and naming Messrs. Williams of Martin and Burney of the balloting committee on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Webb and Glasgow are appointed on their part to conduct the ballot for Public Treasurer.

The bill to add all that part of the second regiment of militia of Burke county, lying South of the Catawba river in said county, to the first regiment, was read the second and third times and passed, and ordered to be engrossed.

Mr. Parker presented the petition of Pricilla Brasher, the wife of Nathan Brasher, of Guilford county, praying the passage of a law to secure to her such property as she may hereafter acquire. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Love, of Richmond, presented a bill directing the manner in which roads shall hereafter be established, altered, turned and discontinued in the county of Richmond; which was read the first time and passed.

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate to print the report of the committee appointed to investigate the Treasury department, with the accompanying exhibits.

Mr. Williams, of Martin, from the committee to conduct the ballot for a Public Treasurer, reported that no person in nomination had a majority of votes.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing to ballot again immediately for Public Treasurer; and a message was received from the House of Commons, agreeing thereto, and appointing Messrs. Taylor and Wheeler of the balloting committee on the part of that House, and withdrawing the name of James Seawell. Whereupon a message was sent to the House of Commons, stating that Messrs. Nuttall and Ward attend the House of Commons as a balloting committee on the part of the Senate.

The bill to secure to Mary E. Rowland, of Robeson county, such property as she may hereafter acquire, was read the second and third times and passed, and ordered to be engrossed.

Mr. Owen, from the committee on Internal Improvement, to whom was referred the petition of Green B. Palmer, of Rutherford county, made a report; which was read. Ordered that the committee on Internal Improvement be discharged from the further consideration of the petition of Green B. Palmer.

The bill to divorce William D. Taylor, of the county of Martin, from his wife Nancy, was read the second and third times and passed, and ordered to be engrossed.



Mr. Speight, of Greene, presented the following resolution, to wit:

Whereas, George W. Haywood, Executor of John Haywood, deceased, has conveyed to the State of North-Carolina all the negroes belonging to his testator, and so much of the real estate as he was authorised to convey by the will; and Elizabeth E. A. Haywood, John S. Haywood, George W. Haywood, Fabius J. Haywood and Thomas B. Haywood, have also conveyed to the State of North-Carolina all the real estate of said John Haywood, deceased, which was devised to them respectively by the last will and testament of said John Haywood, for the purpose of securing to the State of North-Carolina whatsoever sum should appear due to said State for monies received by said John Haywood, deceased, as Public Treasurer, and not accounted for, under the conditions mentioned in said deeds, subject to the approbation of the General Assembly:

*Resolved, therefore,* That the said conveyances be accepted by the General Assembly, upon the limitations and conditions therein expressed.

Which resolution being read, on motion of Mr. Pickett, ordered that the resolution, with the accompanying documents, be referred to the committee appointed to investigate the Treasury department, and to amend and consolidate the laws relating to the same.

The engrossed bill to establish a turnpike road in the county of Buncombe, being read the second time, Mr. Montgomery moved to amend the said bill by *striking out* the words "mail stage," in the last line of the second section of the bill, and to insert in lieu thereof "United States' mail;" which amendment was agreed to. The question then recurred on the passage of the bill the second time, as amended; and the question thereon being taken, it passed in the affirmative; and the said bill was subsequently read the third time, and, on motion of Mr. Pickett, ordered that the said bill lie on the table.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the resolution in favor of Thomas H. Christmas, made a detailed report, which was read, and the resolution accompanying the report as follows, to wit:

*Resolved by both Houses of the Legislature,* That the Sheriff of the county of Warren is hereby authorised and directed to discharge Thomas H. Christmas from imprisonment, provided he shall bind himself, with sufficient security in a bond payable to the Governor, himself in the sum of five hundred dollars, and his security in the sum of five hundred dollars, on condition to be void, if the said Christmas make his personal appearance at the next Superior Court to be held for the county of Warren, and thence not depart the Court without leave; and in the mean time keep the peace, and behave himself generally,

Being read, and the question on agreeing thereto being taken, it was determined in the negative.

Mr. Howze presented the resignation of William D. Freeman, as Lieutenant Colonel of the 29th regiment and 17th Brigade of the militia of this State.

And then the Senate adjourned until to-morrow, ten o'clock.

#### THURSDAY, DECEMBER 13, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill for the relief of persons who have made entries of land with Entry-Takers, or who have had land surveyed by surveyors, who have not renewed their bonds agreeably to law; a bill to add all that part of the second regiment of militia of Burke county, lying south of the Catawba river in said county, to the first regiment; a bill to secure to Mary E. Rowland, of Robeson county, such property as she may hereafter acquire; and a bill to divorce William D. Taylor, of the county of Martin, from his wife Nancy; in which they ask the concurrence of that House.

Mr. Nuttall, from the committee appointed to conduct the ballot for



Public Treasurer, reported that no person in nomination had a majority of votes.

Received from the House of Commons, a message, proposing a further ballot for Public Treasurer; which proposition was agreed to, and a message was sent to the House of Commons, informing them thereof, and naming Messrs. Ramsay and Burney of the balloting committee on the part of the Senate. Whereupon a message was received from the House of Commons, naming Messrs. Smith and King as the committee to superintend the balloting on the part of that House.

Mr. Smith presented a bill to amend an act, passed in the year 1810, entitled "an act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed, relative to the removal of obstructions to the passage of fish up the several rivers within this State, as relates to the Peedee and Yadkin rivers;" which was read the first time and passed.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, made a report on the petition of Jesse Bardin, of Wayne county; which report was read, when Mr. Williams, of Martin, reported a bill to divorce Jesse Bardin, of Wayne county, from his wife Ann; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to explain an act, entitled "an act passed in the year 1810, chap. 33, authorising Enoch Sawyer to open a road across Pasquotank river Swamp, opposite his plantation, and to erect a bridge across Pasquotank river;" in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Mr. Burney, from the committee to conduct the ballot for Public Treasurer, reported that no person in nomination had received a majority of votes. On motion of Mr. Burney, a message was sent to the House of Commons, proposing a further ballot for Public Treasurer; and a message was received from that House, agreeing to the proposition of the Senate, and appointing Messrs. White and Lewis on their part to conduct the ballot. Whereupon a message was sent to the House of Commons, naming Messrs. Hinton and Davenport as a committee of superintendence on the part of the Senate.

Mr. Deberry presented the following resolution, to wit:

*Resolved*, That William R. Hill be appointed Librarian to the State Library for the ensuing year, and that he be allowed the sum of seventy-five dollars per annum, to be paid by the Public Treasurer, for his services as aforesaid.

Which was read the first time and passed.

The bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river; was read the second time and passed.

Mr. Alexander, from the select committee, to whom was referred the engrossed bill to repeal an act, passed in the year 1826, appointing commissioners to lay off, and cause to be opened a public road from Lincoln to Rutherfordton, reported the said bill with an amendment, to wit: *strike out* all of the original bill after the enacting clause, and *insert* in lieu thereof, the amendment submitted; which amendment was agreed to, and the bill read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Hinton, from the committee appointed to conduct the ballot for



Public Treasurer, reported that no person in nomination had received a majority of votes.

On motion of Mr. Hinton, a message was sent to the House of Commons, proposing a further balloting for Public Treasurer; and a message was received from that House, agreeing thereto, and naming Messrs. Glisson and Hardy of the balloting committee on their part. Thereupon, a message was sent to the House of Commons, stating that Messrs. Askew, of Bertie, and Dobson attend to conduct the ballot for Public Treasurer on the part of the Senate.

The bill to divorce Jesse Bardin, of Wayne county, from his wife Ann; also the bill directing the manner in which roads shall hereafter be established, altered, turned and discontinued in the county of Richmond; and the bill to allow the right of challenge to the State in certain cases, were severally read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: A bill to explain an act, entitled "an act passed in the year 1810, chap. 33, authorising Enoch Sawyer to open a road across Pasquotank river swamp, opposite his plantation, and to erect a bridge across Pasquotank river; and a bill to secure to Jane Wilson, of Buncombe county, wife of James Wilson, such property as she may hereafter acquire, were severally read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Shober,

*Resolved*, That a select joint committee of both Houses of the Legislature be appointed to inquire into the expediency of establishing a penitentiary, in connexion with an asylum for idiots and lunatics.

*Resolved*, That the said committee prepare and report the most approved plan, with an estimate of the probable cost, embracing a view of the best system of government for such an institution.

*Resolved*, That should the proper information be not within the reach of the committee, they submit a plan, by which the necessary view of the subject may be obtained, in order to be submitted to a future Legislature.

The committee on the part of the Senate consists of Messrs. Shober, Owen, Franklin, Wilson of Edgecomb and Davidson.

On motion of Mr. Pickett, the Senate proceeded to consider the bill to establish a turnpike road in the county of Buncombe. A motion was made by Mr. Pickett, to amend the said bill by *adding* at the end of the fourth section of the bill a proviso, to wit: "Provided that nothing contained in this act shall be construed to exonerate the persons liable by law to keep the said road in repair from the penalties now prescribed for omissions of duty;" and the question being taken thereon, it passed in the affirmative. The question then recurred on the passage of the bill, as amended, the third time, and it passed in the affirmative; and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Shober,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending or explaining the different acts of the General Assembly, limiting the time in which judgments may be reversed either in the Superior or County Courts, by writ of error, or other proceedings.

*Resolved further*, That the said committee be instructed to inquire into the expediency of limiting, by an act of the General Assembly, the time in which decrees of the Court of Equity may be reversed by bill of review or otherwise.

Mr. Williams, of Martin, of the committee on Divorce and Alimony, made a report on the petition of Keziah Sawyer, of the coun-



ty of Craven; which was read, when Mr. Williams, of Martin, reported a bill to divorce Keziah Sawyer, of the county of Craven, from her husband, James Sawyer; which was read the first time and passed.

The bill to provide for the final settlements of executors and administrators, was read the second time. Mr. Pickett moved to amend the said bill, by *inserting* as the 7th section of the bill, the following, to wit: "Be it further enacted, that the said board shall attend at least one day during each term of the County Courts of Pleas and Quarter Sessions of their respective counties, at the Court House, and at such other times and places as they shall deem expedient;" and the question being taken thereon, it passed in the affirmative. The question then recurred on the passage of the bill, as amended, the second time; and it passed in the affirmative.

The bill to amend an act, passed in the year 1810, entitled "An act to amend an act, passed in the year 1809, entitled 'An act to amend the several acts heretofore passed, relative to the removal of obstructions to the passage of fish up the several rivers within this State, as relates to the Peedee and Yadkin rivers,'" was read the second time and passed; and the said bill being subsequently read the third time, Mr. Pickett moved to amend the bill, by *striking* out the words "in which he, she or they may reside," and inserting in lieu thereof, as follows, to wit: "in which the said obstruction shall be erected;" which was agreed to. The question then recurred on the passage of the said bill, as amended, the third time, and it passed in the affirmative, and was ordered to be engrossed.

Mr. Owen, from the committee on Internal Improvements, to whom was referred the petition of sundry inhabitants of the county of Burke, made a report, accompanied with a recommendation that the petition be rejected; in which report the Senate concurred.

Mr. Scott presented the resignation of Alexander W. Brandon, as Colonel Commandant of a regiment of Cavalry, attached to the 14th brigade of the second division of the militia of this State; which was read and accepted by the Senate.

And then the Senate adjourned until to-morrow, 10 o'clock.

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FRIDAY, DECEMBER 14, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to amend an act, passed in the year 1810, entitled "An act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed, relative to the removal of obstructions to the passage of fish up the several rivers within this State, as relates to the Peedee and Yadkin rivers,'" a bill to divorce Jesse Bardin, of Wayne county, from his wife Ann; a bill directing the manner in which roads shall hereafter be established, altered, turned and discontinued in the county of Richmond; and a bill to allow the right of chal-



lence to the State in certain cases; also the engrossed resolutions relative to making enquiries into the expediency of erecting a Penitentiary; in which they ask the concurrence of that House.

Mr. Dobson, from the committee appointed to conduct the ballot for a Public Treasurer, reported that no person in nomination had a majority of votes. A message was received from the House of Commons, proposing a further ballot for Public Treasurer, and withdrawing the name of John S. Haywood from the nomination; which proposition was agreed to, and a message was sent to the House of Commons, informing them thereof, and naming Messrs. Speight, of Greene, and Wilson, of Edgecomb, to conduct the ballot on the part of the Senate; and proposing that the balloting committee be instructed to wait on the sick members at their chambers to receive their ballots. Thereupon, a message was received from the House of Commons, stating that Messrs. Gary and Glisson attend the Senate as the balloting committee on their part; and informing the Senate that they do not agree to their proposition, that the superintendents wait on the sick members at their chambers.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution relative to the wreck laws, reported a bill to repeal the second section of an act, passed in the year one thousand eight hundred and one, so far as regards salvage; which was read the first time and passed.

Mr. Bailey, from the Library committee, to whom was referred that part of the Governor's Message relating to an interchange of laws with other States, reported a resolution as follows, to wit:

*Resolved*, That the Governor of this State, and his successors in office, be authorised and empowered to interchange the laws of this State with the State of Delaware, or with any other State or States, who have, or are willing to interchange their laws for the laws of this State.

*And resolved further*, That the Governor, and his successors in office, be authorised to have the laws of this State, which he may hereafter think proper to interchange with any other State or States, bound in a neat and substantial manner.

Which was read the first time and passed.

Mr. Bailey presented the following resolution, to wit:

*Resolved*, That the room now used for a Conference room, shall, after the rise of the General Assembly, be fitted up and occupied as a Library room; and that the Library room shall be used for a Conference room.

*Resolved further*, That it shall be the duty of the Librarian to have book cases erected agreeably to the directions of the Library committee; and that the Public Treasurer pay for the work performed, at the order of the Librarian.

Which was read the first time and passed.

On motion of Mr. Wilson, of Camden,

*Resolved*, That the Judiciary committee be instructed to inquire whether any provision is made under the existing laws concerning bastardy, to charge the estate of the reputed father (who may have died before the bastard child is sworn to him) with the maintenance of the same; and that they report by bill or otherwise.

On motion of Mr. Walton,

*Resolved*, That the Judiciary committee be instructed to inquire what amendment can be made in the laws concerning the wardens of the poor, so that the money expended on the paupers in each district, shall be at the order of the wardens living in that district; and that they report by bill or otherwise.



Mr. Dobson presented a bill to appoint a committee of Finance in the county of Surry; which was read the first time and passed.

Received from the House of Commons, a message, proposing to ballot on Saturday morning next for a Council of State; and nominating for the appointment Thomas Kenan, George W. Jeffries, Gideon Alston, William B. Lockhart, William Blackledge, Archibald M'Bride, John M'Dowell, Isaac T. Avery, Meshack Franklin, William L. Davidson and Alexander Elliott; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Riddick presented the memorial of sundry citizens of Perquimons county, praying that a law may be passed to prevent the further introduction of slaves into this State. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The Senate resolved itself into a committee of the whole House, Mr. Spaight, of Craven, in the Chair, on the bill concerning the Public Treasurer; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Spaight, of Craven, reported that the committee had, according to order, had the said bill under consideration, and had directed him to report that the committee had made some progress therein, and asked leave to sit again. Ordered that the committee of the whole House have leave to sit again to-morrow on the said bill.

Mr. Speight, of Greene, from the committee to conduct the ballot for Public Treasurer, reported that William Robards, having a majority of all the votes, was duly elected; in which report the Senate concurred.

Mr. Ramsay presented the petition of Thomas M. Johnston, of Chatham county, praying the Legislature to remit a penalty incurred by him, in not paying his tax as a merchant. Mr. Owen presented the memorial of Joseph Cain, of Bladen county, praying the Legislature to relieve him from certain penalties therein set forth. Ordered that the said petition and memorial be referred to the committee of Propositions and Grievances.

On motion of Mr. Owen,

*Resolved*, That the committee on Propositions and Grievances be instructed to inquire into the expediency of remitting that part of a penalty going to the wardens of the poor of Bladen county, incurred by David Thomas, of said county, for a violation of the law against trading with negroes, and on which a judgment has been obtained in favor of Willie Atkinson; and that they report by bill or otherwise.

Mr. Montgomery presented the petition of Amy Gilmore, of Orange county, praying to be divorced from her husband, Stephen Gilmore. Ordered that the said petition be referred to the committee on Divorce and Alimony, together with the accompanying documents.

On motion of Mr. Montgomery, a meesage was sent to the House



of Commons, stating that the name of Alfred Jones is added to the nomination for Counsellors of State.

The resolution relative to an interchange of laws with other States, was read the second and third times and passed, and ordered to be engrossed.

The bill to divorce Keziah Sawyer, of the county of Craven, from her husband, James Sawyer, was read the second and third times and passed, and ordered to be engrossed.

The bill to appoint a committee of Finance in the county of Surry, was read a second time and passed.

Mr. Pickett, from the select joint committee, appointed to investigate the Treasury Department, to whom was referred the resolution respecting the conveyances made by the personal representatives and devisees of John Haywood, deceased, made a detailed report, which was read; and the question being stated on the resolution therein contained, as follows, to wit: *Resolved*, that it is inexpedient to accept of the conveyances of the representatives and devisees of the late Treasurer, under the restrictions and conditions therein contained, Mr. Speight, of Greene, moved to amend the resolution, by *striking out* the word "inexpedient," and *inserting* in lieu thereof, the word "expedient;" and debate arising thereon, on motion of Mr. Speight, of Greene, ordered that the said resolution do lie on the table.

And then the Senate adjourned until to-morrow, ten o'clock.

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SATURDAY, DECEMBER 15, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to divorce Keziah Sawyer, of the county of Craven, from her husband, James Sawyer; also the engrossed resolution relative to an interchange of laws with other States; in which they ask the concurrence of that House.

Mr. Shoher, from the committee of Propositions and Grievances, to whom was referred the resolution in favor of David Thomas, of Bladen county, reported that it is inexpedient to remit the penalty incurred by David Thomas; in which report the Senate concurred.

Mr. Love, of Haywood, presented a bill to amend an act, passed in the year 1824, entitled "An act giving the assent of North Carolina to, and enforcing in this State certain acts of the General Assembly of the State of Tennessee, relating to the Smoky Mountain Turnpike Road;" which was read the first time and passed. Ordered that the said bill be referred to the committee on Internal Improvements.

Received from the House of Commons, a message, proposing to ballot on this day for a Board of Internal Improvements, and nominating Cadwallader Jones, Andrew Joiner, James M'Kay and Marsden Campbell for the appointment; which proposition was agreed to, and a message sent to the House of Commons, informing



them thereof, and stating that Messrs. Owen and Franklin attend the Commons to conduct the ballot on the part of the Senate. Thereupon a message was received from the House of Commons, naming Messrs. Hill and Blount as the committee of superintendence on their part; and stating that the name of Marsden Campbell is withdrawn from the nomination, and the name of Otway Burns added thereto.

Received from the House of Commons, a message, stating that Messrs. Gary and Ruffin now attend the Senate to conduct the balloting for a Council of State, and adding the name of Elijah Callaway, of Ashe county, to the nomination. Thereupon a message was sent to the House of Commons, naming Messrs. Nuttall and Montgomery to superintend the ballot on the part of the Senate.

Received from the House of Commons, the resolution appointing a select joint committee to inquire into the expediency of establishing a Penitentiary, endorsed in that House, "read and concurred in, and referred on the part of this House to Messrs. Morehead, Alexander, Scott, Brevard and Little."

On motion of Mr. Dobson,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law, making all debts due by bond or note, recoverable when the persons owing the same are about to move beyond the limits of the State, or that the persons so intending to leave the State, shall, if required, give new security.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution, instructing them to inquire what amendment can be made in the laws concerning the wardens of the poor, so that the money expended on the paupers in each district shall be at the order of the wardens in that district, made a report, which was read; and the resolution therein contained, as follows, to wit: *Resolved*, that it is inexpedient to change the existing laws in relation to the disposition of the monies raised for the maintenance of the poor of the respective counties, was concurred in by the Senate.

Mr. Pickett, from the same committee, to whom was referred the resolution, instructing them to inquire what alterations are necessary in the laws respecting the wardens of the poor, reported a bill to amend an act, passed in the year 1786, entitled "An act to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents;" which was read the first time and passed.

On motion of Mr. Hinton, ordered that Micajah T. Hawkins, the Senator from the county of Warren, have leave of absence from the services of the Senate, from and including this day until Friday next.

On motion of Mr. Montgomery,

*Resolved*, That the committee on Internal Improvements be instructed to inquire whether any money has been drawn from the fund set apart for Internal Improvement, not authorised by law, during the years 1825, 1826 and 1827; and if any, how much, by whom drawn, and for what purposes.



Received from the House of Commons, a message, stating that the concurrence of that House in the amendments proposed by the Senate in the engrossed bill to establish a turnpike road in the county of Buncombe. Whereupon, the said bill was ordered to be enrolled.

Mr. M'Millan presented the petition of sundry citizens of Ashe county, praying the passage of a law, to secure to Jane Becknal, of Ashe county, such property as she may hereafter acquire. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. M'Millan presented the petition of sundry citizens of Ashe county, praying the Legislature to pass a law, restoring to the privileges of a citizen John Rose, of Ashe county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Received from the House of Commons, a communication from William Robards, Public Treasurer, accompanied by the following resolution, to wit:

*Resolved*, That William Robards, Treasurer elect, enter on the duties of his office as soon as he gives bond and takes the oath of office now required by law.

In which resolution the Senate concurred, and a message sent to the House of Commons, informing them thereof.

Mr. Owen, from the committee appointed to conduct the ballot for a Board of Internal Improvement, reported that Cadwallader Jones, James J. M'Kay and Andrew Joiner were duly elected.

Mr. Montgomery, from the committee to conduct the ballot for a Council of State, reported that Gideon Alston, William Blackledge, George W. Jeffries, Meshack Franklin, William B. Lockhart and Isaac T. Avery were elected, and that no other person had a majority of votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing that another ballot take place immediately for a Councillor of State, and withdrawing the name of Alfred Jones; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Hollamon and Fuller to conduct the ballot on the part of the Senate. Whereupon, a message was received from the House of Commons, appointing Messrs. Little and Lilly superintendents of the ballot on their part.

On motion of Mr. Pickett, the Senate proceeded to consider the report of the committee appointed to investigate the Treasury Department. The question before the Senate, was on the motion submitted yesterday by Mr. Speight, of Greene, to wit: to amend the resolution, by striking out the word "inexpedient," and inserting in lieu thereof the word "expedient;" and the question being taken, it was determined in the negative. The question then recurred on agreeing to the resolution, to wit: *Resolved*, that it is inexpedient to accept of the conveyances of the representatives and devisees of the late Treasurer, under the restrictions and conditions therein contained, and it passed in the affirmative; and the report and accom-



panying documents were sent to the House of Commons for their concurrence.

The Senate again resolved itself into a committee of the whole House, Mr. Spaight, of Craven, in the chair, on the bill concerning the Public Treasurer; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Spaight, of Craven, reported that the committee had again had the said bill under consideration, and made sundry amendments thereto, which were read and concurred in by the Senate. Whereupon the said bill was read the second time, amended, on motion of Mr. Jones, and passed.

The bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Nense river, being read the third time, Mr. Whitfield moved to amend the said bill, by *inserting* as the second section of the bill, the following, to wit: "Be it further enacted, that one or more of the arches of said bridge in the deepest part, or middle of the river, shall be at least forty feet wide, and sufficiently high for the free passage of boats and rafts under said bridge at high water;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the third time, and it passed in the affirmative, and was ordered to be engrossed.

The bill to amend the different acts of the General Assembly, concerning dower, was read the second and third times and passed, and ordered to be engrossed.

Mr Pickett presented the petition of certain citizens of Stokes county, against opening Muddy Creek. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Shober,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of repairing and improving the road leading from Fayetteville, through the counties of Moore, Randolph, Guilford and Stokes, to Wilkesborough, agreeable to a survey heretofore made by the Civil Engineer; and that they report by bill or otherwise.

The bill to appoint a committee of Finance in the county of Surry, was read the third time and passed, and ordered to be engrossed.

The bill to incorporate the North Carolina Gold Mining Company, was read the second time and passed.

Received from the House of Commons, the following resignations, to wit: The resignation of Isaac Benton, as a justice of the peace for the county of Columbus; the resignation of R. Kendall, as Col. Commandant of the second regiment of Montgomery county militia; and the resignation of Isaac Winston, as Colonel Commandant of the 29th regiment, attached to the 17th brigade of North Carolina militia.

And then the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, DECEMBER 17, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to au-



thorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river; a bill to amend the different acts of the General Assembly concerning dower; and a bill to appoint a committee of Finance in the county of Surry; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating their agreement to the several amendments made by the Senate in the engrossed bill to repeal an act, passed in the year 1826, appointing commissioners to lay off and cause to be opened, a road from Lincoln to Rutherfordton. Whereupon the said bill was ordered to be enrolled.

Mr. Pickett, from the Judiciary committee, to whom was referred a bill making it the duty of sheriffs to notify persons of the day on which their lands will be sold for taxes, and for other purposes. reported the said bill without amendment; and the bill was made the order of the day for to-morrow.

Mr. Pickett, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending or explaining the laws, limiting the time in which judgments may be reversed, reported a bill for the limitation of writs of error for matters of fact and bills of review; which was read the first time and passed.

Mr. Pickett presented a bill to amend an act, passed in the year 1777, entitled "an act to establish Courts of Law and regulate the proceedings therein." Mr. Locke presented a bill concerning the Sheriff of Brunswick county. Which bills were severally read the first time and passed.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, made a report on the petition of Washington Price; which was read, when Mr. Williams, of Martin, reported a bill to divorce Washington Price, of Wake county, from his wife Susan Price; which bill was read the first time and passed.

Mr. Hollamon, from the committee appointed to conduct the ballot for a Counsellor of State, reported that no person in nomination had received a majority of votes.

On motion of Mr. Scott,

*Resolved*, That a select committee be appointed to inquire into the expediency of so amending the laws on bastardy, as to make the fine imposed on the reputed father payable to some person for the use of the child, instead of the mother, with leave to report by bill or otherwise.

The committee consists of Messrs. Scott, Sherard, Montgomery, Hollamon and Thomson.

Mr. Parker presented the petition of Nancy Donnell, of Guilford county, praying that a law may be passed, confirming and validating the emancipation of certain slaves therein named. Ordered that the said petition be referred to the committee of Propositions and Grievances.



Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the New Garden Library Society; a bill respecting the elections in the county of Perquimons; and also a bill to exempt from certain public duties the keeper of the poor house in the county of Stokes; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

The bill concerning the Public Treasurer being read the third time, Mr. Spaight, of Craven, moved to amend the said bill by adding an additional section as follows, to wit: "Be it further enacted, that if at any time the Treasurer shall suspect the solvency of any of the banks in which public monies are deposited, it shall be his duty to communicate the same to the Governor; and if, upon an examination of the subject, the Governor shall consider that the public interest requires the public money to be withdrawn from the bank, it shall be the duty of the Treasurer immediately to remove, or cause to be removed the deposit in the said bank;" which was agreed to. Mr. Pickett moved further to amend the bill by *inserting* in the 5th line of the 3d section, after the word *impositions*, the words "and otherwise;" also in the 6th line of the same section, by inserting after the word "of," the words "public dues;" which amendments were agreed to. Mr. Pickett moved further to amend the bill by *striking* out in the 7th section, all the words intervening between the word "*tax*," in the 13th line, and the word "*in*," in the 16th line, as follows, to wit: "and the Treasurer shall raise an account against each and every such persons, and debit them accordingly;" which amendment was not agreed to. Mr. Pickett moved further to amend the said bill by *striking* out in the 6th line of the 11th section of the bill, after the word "banks," the words "in this city," and to insert in lieu thereof, the words "of this State;" which amendment was agreed to. Mr. Pickett moved further to amend the bill, by adding at the end of the 13th section, the following words, to wit: "But the Treasurer may check for and keep in his office during the session of the Legislature, an amount of money sufficient to pay the members and officers of the two Houses;" which amendment was agreed to. Mr. Spaight, of Craven, moved further to amend the bill by *inserting* in the 4th line of the 25th section, after the word "*persons*," the following words, to wit: "acting as agents for the State, who are;" which amendment was agreed to. Also to *insert* in the same line after the word State, the words "by or on account of such agency;" which amendment was also agreed to. The question then recurred on the passage of the bill the third time as amended, and it passed in the affirmative, and was ordered to be engrossed.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, made a report on the petition of William Holland, of Craven county; which was read. Mr. Williams, of Martin, also



reported the bill to divorce William Holland, of Craven county, from his wife Esther, without amendment. Whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to alter the place of holding a battalion muster in Carteret county, with an amendment, in which they ask the concurrence of the Senate; which being read, and the question thereon taken, it passed in the affirmative, and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution in favor of John J. Bonner, with an amendment, to wit: "to raise the sum from one hundred and fifty-six dollars and thirty cents, to one hundred and fifty-seven dollars and twenty-five cents," in which they ask the concurrence of the Senate; and the question being taken on said amendment, it passed in the affirmative, and the House of Commons were informed thereof by message.

Mr. Williams, of Martin, presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Martin; which was read the first time and passed.

On motion of Mr. Fuller,

*Resolved*, That a joint select committee be appointed to examine and settle the accounts of the Clubfoot and Harlows Creek Canal Company, and make report of the same.

The committee on the part of the Senate consists of Messrs. Fuller, Askew of Bertie, Wilson of Edgecomb, Spaight of Craven, and Davidson.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to divorce Keziah Sawyer, of the county of Craven, from her husband James Sawyer; and that they have passed the engrossed resolution in favor of Joseph Welch and Mark Coleman; in which they ask the concurrence of the Senate; whereupon the said resolution was read the first time and passed.

The engrossed bill respecting the elections in the county of Perquimons, was read the second and third times and passed, and ordered to be enrolled; and the engrossed bill to incorporate the New Garden Library Society, was read the second time and passed.

The bill to divorce Washington Price, of Wake county, from his wife Susan, being read the second time, and the question being taken thereon, it was determined in the negative.

The bill concerning the sheriff of Brunswick county, was read the second and third times and passed, and ordered to be engrossed.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution relative to recording and registering deeds of trust, mortgages, &c. reported a bill limiting the time within which deeds of trust and mortgages shall be registered, and to provide for



giving publicity to the same; which was read the first time and passed.

Received from the House of Commons, the resignation of Charles Butler, as a Justice of the Peace for the county of Sampson; which was read and accepted by the Senate.

And then the Senate adjourned until to-morrow, ten o'clock.

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TUESDAY, DECEMBER 18, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill concerning the Public Treasurer; a bill to divorce William Holland, of Craven county, from his wife Estber; and a bill concerning the Sheriff of Brunswick county; in which they ask the concurrence of that House.

On motion of Mr. Vanhook, a message was sent to the House of Commons, proposing to ballot again immediately for a Counsellor of State.

Mr. Mathews presented the resignation of John Alston, as Brigadier General of the 5th brigade of North Carolina militia; which was read and accepted by the Senate.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of sundry citizens of Ashe county, in behalf of John Rose; which was read, when Mr. Shober reported a bill to restore John Rose, of Ashe county, to credit; which was read the first time and passed.

On motion of Mr. Mathews, a message was sent to the House of Commons, proposing to ballot on Thursday next for a Brigadier General of the 5th brigade, and nominating for the appointment Louis D. Wilson.

Received from the House of Commons, a message, stating that they have passed the engrossed bill concerning the committee of Finance and receivers of public monies in the county of Cumberland; in which they ask the concurrence of the Senate. Whereupon, the said bill was read the first time and passed.

Received from the House of Commons, a message, stating their agreement to the proposition of the Senate to refer to a select joint committee, the report of the Adjutant General, and naming as the committee, on the part of that House, Messrs. Hill of Wilmington, Blount, Boykin, Bateman and Ruffin.

Received from the House of Commons, a message, stating their agreement to ballot, as proposed by the Senate, for a Counsellor of State, withdrawing the names of William L. Davidson and Elijah Calloway from the nomination, and naming Messrs. H. C. Jones and Boykin as a committee on the part of that House to superintend the ballot. Whereupon, a message was sent to the House of Commons, naming Messrs. Williams of Martin and Burney to conduct the ballot on the part of the Senate.



Mr. Spaight, of Craven, from the committee on the Cherokee Lands, made a report on the memorial of David Rogers, of Buncombe county; which was read, and the resolution accompanying the report as follows, to wit:

*Resolved, by the General Assembly of the State of North Carolina, That the Public Treasurer of the State pay to David Rogers, of Buncombe county, the sum of thirty dollars, for costs incurred by him in the suits of Doe and Who-ya-hah vs. Fansey Levask and Roe and Tegan-tossy vs. Hugh Rogers, both tenants of said David Rogers, determined against them in the April Term of 1824, of Buncombe Superior Court; and in the suit of Doe on the demise of Tegan-tossy vs. David Rogers, determined in Oct. Term, 1824, of said Court,*

Was read the first time and passed.

Mr. Williams, of Martin, from the committee to conduct the ballot for a Counsellor of State, reported that no person in nomination had received a majority of votes. On motion of Mr. Williams, of Martin, a message was sent to the House of Commons, proposing a further ballot for a Counsellor of State.

The bill to incorporate the New Garden Library Society, being read the third time, Mr. Parker moved to amend the said bill by *inserting* in the 4th line of the first section, after the word "established," the words "at New Garden;" which amendment was agreed to. Mr. Parker moved further to amend the bill by inserting an additional (as the second) section as follows, to wit: "Be it further enacted, that the members of a society lately established in said county, at Nazereth, for the purpose of aiding the progress of learning and science, be, and they are hereby incorporated into a body politic and corporate, by the name and style of the 'Nazareth Library Society,' and by that name may sue and be sued, plead and be impleaded, and have succession and a common estate in such books, pamphlets and papers, or other property as they may acquire, either by purchase, donation, or otherwise;" which amendment was agreed to. Ordered that the title of the bill be amended, in conformity with the amendments, to wit: "A bill to incorporate the New Garden Library Society, and the Nazareth Library Society." The question then recurred on the passage of the bill, as amended, the third time, and the question being taken thereon, it passed in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to amend an act, passed in the year 1786, entitled "An act to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents," being read the second time, Mr. Speight, of Greene, moved that the said bill be indefinitely postponed; and the question being taken thereon, it was determined in the affirmative.

The bill making it the duty of Sheriffs to notify persons of the day on which their lands will be sold for taxes, and for other purposes, being read the second time, Mr. Jones moved to amend the said bill by *inserting*, at the end of the first section thereof, the following words, to wit: "or the county in which the land is situated;"



which amendment was agreed to. Mr. Whitfield moved that the said bill be indefinitely postponed. Whereupon, on motion of Mr. Speight, of Greene, ordered that the said bill do lie on the table.

The bill limiting the time within which deeds of trust and mortgages shall be registered, and to provide for giving publicity to the same, being read the second time, Mr. Ward moved to amend the said bill, by inserting in the 17th line of the second section, after the word "*deeds*," the following words, to wit: "and he shall deliver to the register for registration, the said deeds of trust or mortgages within ten days from the adjournment of the said Court, at which they shall be proven." Mr. Shober moved the indefinite postponement of the bill, together with the amendment. When, on motion of Mr. Thomson, ordered that the said bill, together with the amendment proposed, do lie on the table.

The following bills, to wit: a bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage; and a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Martin, were severally read the second and third times and passed, and ordered to be engrossed.

The resolution for the relief of David Rogers, of Buncombe county, was read the second time; and the question being taken on the passage of the said resolution the second time, it was determined in the negative.

The bill to amend an act, passed in 1777, entitled "An act to establish Courts of Law, and regulate the proceedings therein," was read the second time and passed.

The engrossed resolution in favor of Joseph Welch and Mark Coleman, was read the second time and passed; and the said resolution being read the third time, and the question taken on the passage thereof, it was determined in the negative—yeas 25, nays 35. The yeas and nays being demanded by Mr. Speight, of Greene—

Those who voted in the affirmative, are Messrs. Burgin, Bethune, Bailey, Beasley, Brodnax, Deberry, Dobson, Davidson, Fuller, Hollamon, Jones, Locke, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Eachin, Owen, Reinhardt, Spaight of Craven, Smith, Scott, Shuford, Shober, Wilson of Camden.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Alexander, Burney, Drake, Davenport, Devane, Franklin, Gray, Hurst, Howze, Harrell, Hinton, Joiner, Matthews, M'Daniel, M'Neill, Montgomery, Nuttall, Parker, Ramsay, Riddick, Royal, Salyear, Speight of Greene, Saunderson, Sherard, Thomson, Vanhook, Williams of Beaufort, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

The bill to restore John Rose, of Ashe county, to credit, was read the second time; and the question being taken on the passage thereof, it was determined in the negative.

The engrossed bill concerning the committee of Finance and receivers of public monies in the county of Cumberland, was read the second and third times and passed, and ordered to be enrolled.

A message was received from the House of Commons, agreeing to ballot immediately for one Counsellor of State, and stating that the names of Alfred Jones and Alexander Elliott are withdrawn from



the nomination, and naming Messrs. Britton and Marshall as a committee of superintendence on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Deberry and M'Dowell attend that House to conduct the ballot for one Counsellor of State.

Mr. Deberry, from the committee to conduct the ballot for a Counsellor of State, reported that Archibald M'Bride is duly elected; in which report the Senate concurred.

And then the Senate adjourned until to-morrow, 10 o'clock.

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WEDNESDAY, DECEMBER 19, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage; and a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Martin; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas M. Johnston, made a report, which was read; and the resolution therein contained, as follows, to wit: "*Resolved*, that the penalty incurred by Thomas M. Johnston, of Chatham county, for failing to pay the tax due on his store for the current year, be, and the same is hereby remitted: provided, the said Thomas M. Johnston shall pay to the Sheriff of Chatham county, on or before the first day of February next, his ordinary store tax, under the rules and regulations as prescribed in the revenue act," was read, and the question on agreeing thereto being taken, it was determined in the negative.

Mr. Jones, from the committee of Claims, to whom was referred the resolution in favor of John W. Hamilton, reported the said resolution without amendment; which was read the second time and passed.

Mr. Vanhook presented a resolution relative to the purchase of stationary by the Secretary of State; which was read the first time and passed.

A motion was made by Mr. Gray, that the Senate reconsider the vote taken yesterday, on the third reading of the resolution in favor of Joseph Welch and Mark Coleman; and, on the question, will the Senate reconsider the said vote? it passed in the affirmative. Ordered that the said resolution be referred to a select committee. The committee consists of Messrs. Gray, Speight of Greene, Love, Owen and Bailey.

A motion was made by Mr. Shober, that the Senate reconsider the vote taken yesterday on the second reading of the resolution for the relief of David Rogers, of Buncombe county; and, on the question, will the Senate reconsider the said vote? it passed in the affirmative, and the resolution was read the second and third times and passed, and ordered to be engrossed.



Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the bill to annex part of Brunswick county to the county of Bladen, reported the said bill without amendment; which was read the second time and passed, and being subsequently read the third time and amended, on motion of Mr. Owen, and the question taken on the passage thereof, it was determined in the negative—yeas 29, noes 30. The yeas and nays being demanded by Mr. Locke—

Those who voted in the affirmative, are Messrs. Alexander, Burgin, Bailey, Brodnax, Drake, Devane, Davidson, Fuller, Franklin, Gray, Hurst, Hollamon, Hinton, Joiner, Jones, M'Millan, M'Dowell, M'Neill, Nuttall, Owen, Parker, Reinhardt, Royal, Smith, Sherard, Thomson, Vanhook, Williams of Beaufort, Wilson of Camden.

Those who voted in the negative are Messrs. Askew of Bertie, Askew of Hertford, Bethune, Beasley, Burney, Deberry, Dobson, Davenport, Harrell, Locke, Love of Richmond, Mathews, M'Daniel, Montgomery, M'Eachin, Pickett, Ramsay, Riddick, Spaight of Craven, Salyear, Speight of Greene, Saunderson, Scott, Shuford, Shober, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Mr. Devane presented a bill to exempt aged men from serving on juries; and Mr. Howze, a bill to compel the public register of Franklin county to keep his office in the town of Louisburg, in said county; which bills were read the first time and passed.

Mr. Deberry presented the petition of Wm. Ferrell, of Montgomery county, praying the passage of a law restoring him to the privileges of a citizen. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Owen, from the committee on Internal Improvement, to whom was referred the bill to amend an act, passed in the year 1824, entitled "An act giving the assent of North Carolina to, and enforcing in this State certain acts of the General Assembly of the State of Tennessee, relating to the Smoky Mountain Turnpike Road," reported the same without amendment, and the bill was read the second time and passed.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to divorce William Holland from his wife Esther; and that they have passed the engrossed bill to compel the County Court of Gates to appoint a committee of Finance; and the engrossed resolution relative to Richard Roberts; which were read the first time and passed.

Mr. Williams, of Martin, from the committee of Divorce and Alimony, to whom was referred the petition of Priscilla Brasher, of Guilford county, made a report; which was read, when Mr. Williams, of Martin, reported a bill to secure to Priscilla Brasher, of Guilford county, such property as she may hereafter acquire.

Mr. Williams, of Martin, from the same committee, made a report on the petition of Eliza Dowling, of Mecklenburg county; which was read, when Mr. Williams, of Martin, reported a bill to divorce Eliza Dowling from her husband, Zachens Dowling; which bills were severally read the first time and passed.

Mr. Williams, of Martin, from the same committee, to whom was



referred the petition of Jennett Ingram, of Montgomery county, reported that the case of the petitioner is not sufficiently aggravated to demand legislative interposition; in which report the Senate concurred.

Mr. Jones presented a bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands; which was read the first time and passed.

The bill to amend an act, passed in 1777, entitled "an act to establish Courts of Law, and regulate the proceedings therein," was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Shober,

*Resolved*, That the committee on Finance be instructed to inquire whether any, and if any, what alterations are necessary to insure a better accountability to the State, as far as regards allowances made to the Sheriffs for insolvents, and whether it be expedient to make any alteration in the manner and time in which blank licences are issued to Sheriffs.

Received from the House of Commons, a message, stating their agreement to the proposition of the Senate to ballot on Thursday next, for a Brigadier General of the 5th brigade, and adding the name of Carter Jones to the nomination. On motion of Mr. Williams, of Martin, a message was sent to the House of Commons, stating that the name of Benjamin Sharp is added to the nomination for Brigadier General of the 5th brigade.

The bill to incorporate the North-Carolina Gold Mining Company, being read the third time, Mr. Spaight, of Craven, moved that the said bill be indefinitely postponed; and the question being taken thereon, it was determined in the negative—Yeas 29, Noes 30. The yeas and nays being demanded by Mr. Speight, of Greene—

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Beasley, Burney, Davenport, Devane, Fuller, Hurst, Howze, Harrell, Joiner, Matthews, M'Daniel, Ramsay, Riddick, Royal, Spaight of Craven, Salyear, Speight of Greene, Saunderson, Sherard, Thomson, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Those who voted in the negative, are Messrs. Alexander, Burgin, Bethune, Bailey, Brodnax, Deberry, Drake, Dobson, Davidson, Franklin, Gray, Hollamon, Hinton, Jones, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Neill, Montgomery, M'Eachin, Nuttall, Pickett, Parker, Reinhardt, Smith, Scott, Shuford, Shober, Vanhook.

On motion of Mr. Speight, of Greene, ordered that the said bill do lie on the table.

Received from the House of Commons the resignation of Athan A. M'Dowell, as Colonel Commandant of the regiment of Cavalry attached to the 15th brigade of North-Carolina militia; which was read and accepted by the Senate.

Mr. Owen presented the resignation of J. Wright, as a justice of the peace for the county of Bladen; which was read and accepted, and sent to the House of Commons.

Mr. Pickett presented the following resolution, to wit:

*Resolved*, That the committee of Finance be instructed to take charge of all the money in the Treasury office, and that they burn so much of the Treasury notes as



they may deem unfit for circulation; also such counterfeit notes and bills of the emissions of 1783 and 1785, as are in said office; that they deliver over the balance to the Public Treasurer, and take his receipt for the same; and that they report the amount to be burnt to the Legislature.

And then the Senate adjourned until to-morrow, 10 o'clock.

THURSDAY, DECEMBER 20, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to amend an act, passed in 1777, entitled "an act to establish Courts of Law and regulate the proceedings therein;" also the engrossed resolution for the relief of David Rogers, of Buncombe county; in which they ask the concurrence of that House.

The Senate proceeded to consider the resolution submitted yesterday by Mr. Pickett, the agreeing thereto being the question before the Senate at its adjournment; and the said resolution being again read, was agreed to by the Senate.

The following bills were presented, to wit: By Mr. M'Neill, a bill concerning the town of Carthage, in the county of Moore; and by Mr. Gray, a bill for the relief of Clerks of Courts and Clerks and Masters in Equity; which were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the memorial of Joseph Cain; which was read, and the resolution therein contained was concurred in by the Senate, as follows, to wit: *Resolved*, That the prayer of the memorialist be not allowed.

Mr. Jones, from the committee of Claims, to whom was referred the petition of Ransom Capell, of Northampton county, reported that the said Ransom Capell is not entitled to remuneration; in which report the Senate concurred.

Received from the House of Commons, a message, stating their agreement to all the amendments made by the Senate in the bill to incorporate the New Garden Library Society. Whereupon the said bill was ordered to be enrolled.

Received from the House of Commons, the resolution appointing a joint select committee to examine and settle the accounts of the Clubfoot and Harlow Creek Canal Company; endorsed in that House "read and concurred with, and a committee selected to join the committee of the Senate, consisting of Messrs. Burns, Lewis and Ben-ners."

Received from the House of Commons, a message, proposing that Saturday evening next be set apart for the purpose of recommending field officers and justices of the peace; which proposition was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to divorce William D. Taylor from his wife Nancy.



The engrossed bill, to wit: A bill to compel the County Court of Gates to appoint a committee of Finance; and the engrossed resolution relative to Richard Roberts, were read the second and third times and passed, and ordered to be enrolled.

The following bills, to wit: A bill to divorce Eliza Dowling from her husband Zacheus Dowling; a bill to compel the Public Register of Franklin county to keep his office in the town of Louisburg, in said county; and a bill to secure to Priscilla Brasher, of Guilford county, such property as she may hereafter acquire; also a resolution requiring the Secretary of State to purchase stationary, were severally read the second and third times and passed, and ordered to be engrossed.

The resolution in favour of John W. Hamilton, was read the third time and passed, and ordered to be engrossed.

The bill to provide for the final settlements of executors and administrators, being read the third time, Mr. Deberry moved to amend the said bill, by striking out the words "two years," in the 12th line of the first section, and insert in lieu thereof the words "the time now limited by law;" which amendment was agreed to. Mr. Shober moved further to amend the bill by *inserting* the following words, as the second section of the bill, to wit: "Be it further enacted, that if the several County Courts shall deem it expedient, they may appoint more than one Board of Auditors, not exceeding three, for the purposes and under the rules and regulations as in this act prescribed;" which was agreed to. Mr. Mathews moved further to amend the bill, by *striking* out the word "*seven*," in the 7th line of the first section, and *inserting* in lieu thereof the words "a majority of the;" which amendment was not agreed to. Mr. Saunderson moved further to amend the bill, by *striking* out the word "*ten*," in the 4th line of the 6th section, and *inserting* in lieu thereof the word "*five*;" which amendment was not agreed to. The question then recurred on the passage of the bill, as amended, the third time, and it passed in the affirmative, and was ordered to be engrossed.

The bill to repeal an act, passed in the year 1823, entitled "an act concerning the Roanoke Navigation Company," being read the third time, on motion of Mr. Pickett, ordered that the said bill do lie on the table.

The following bills, to wit: a bill to exempt aged men from serving on juries; and a bill concerning the town of Carthage, in the county of Moore, were read the second time and passed.

The bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Shober, the Senate proceeded to consider the bill to incorporate the North Carolina Gold Mining Company. Mr.



Shober moved to amend the said bill by *inserting* at the end of the first section, the following proviso, to wit: "Provided, that nothing in this act contained shall authorise the company to work on any lands belonging to the State, or shall be considered as in any wise relinquishing the right of the State to her part of the minerals that may be found on lands, to which she has such claim." Mr. Wilson, of Edgecomb moved to amend the amendment, by *inserting* at the end thereof, an additional proviso in the words following, to wit: "and provided further, that the real estate, which the said corporation may own, sell and transfer, shall extend only to a quantity sufficient to carry on their mining operations; and that the corporation hereby created, shall be liable in their individual capacity for all debts by them created, and the same shall exist for twenty five years, and no longer;" which amendment was agreed to. The question then recurred on agreeing to the amendment, as amended; and the question being taken thereon, it passed in the affirmative—yeas 33, noes 25. The yeas and nays being demanded by Mr. Speight of Greene—

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Burney, Drake, Devane, Fuller, Hurst, Howze, Harrell, Hollamon, Hinton, Joiner, Mathews, M'Daniel, Montgomery, Nuttall, Parker, Ramsay, Riddick, Royal, Spaight of Craven, Salyear, Speight of Greene, Saunderson, Sherard, Thomson, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Those who voted in the negative, are Messrs. Alexander, Burgin, Bethune, Bailey, Brodnax, Deberry, Dobson, Davidson, Franklin, Gray, Jones, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Neill, M'Eachin, Owen, Pickett, Reinhardt, Smith, Scott, Shuford, Shober, Vanhook.

Thereupon, the said bill was read the third time, as amended; and the question on the passage thereof being taken, it passed in the affirmative, and was ordered to be engrossed.

On motion of Mr. Mathews, a message was sent to the House of Commons, stating that Messrs. M'Neill and Askew of Bertie attend that House to conduct the ballot for a Brigadier General of the 5th brigade as heretofore agreed on; and a message was received from that House, stating that Messrs. Bateman and Speller are appointed of the balloting committee on their part for a Brigadier General of the 5th brigade, and adding the name of Benjamin Sharp to the nomination.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river, with an amendment, to wit: in the 4th line of the second section, *strike* out the word "*forty*," and *insert* "*thirty*;" in which amendment they ask the concurrence of the Senate; and the question being taken thereon, it was determined in the negative, and a message sent to the House of Commons, informing them thereof.

On motion of Mr. Thomson, the Senate proceeded to consider the bill limiting the time within which deeds of trust and mortgages shall



be registered, and to provide for giving publicity to the same. The question before the Senate was on the motion made by Mr. Shober, on the 18th inst. to wit: "That the said bill, together with the amendment submitted by Mr. Ward, to wit: to *insert* in the 17th line of the 2d section, after the word '*deeds*,' the following words, to wit: 'and he shall deliver to the register, for registration, the said deeds of trust and mortgages within ten days from the adjournment of the said Court, at which they shall be proven,'" and the question being taken thereon, it was determined in the negative. The question then recurred on the amendment submitted by Mr. Ward; which was agreed to. Mr. Nuttall moved to lay the bill on the table; which was not agreed to, and the bill, as amended, was read the second time and passed.

Received from the House of Commons, the following resignations, to wit: the resignations of Daniel M'Iver and John Weldon, as justices of the peace for the county of Moore; and the resignation of Lovett Bell, as a justice of the peace for the county of Hyde; which were read and accepted by the Senate.

And then the Senate adjourned until to-morrow, ten o'clock.

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FRIDAY, DECEMBER 21, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to compel the public register of Franklin county to keep his office in the town of Louisburg, in said county; a bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands; a bill to secure to Priscilla Brasher such property as she may hereafter acquire; a bill to divorce Eliza Dowling from her husband Zacheus Dowling; a bill to incorporate the North Carolina Gold Mining Company; and a bill to provide for the final settlement of executors and administrators; also the engrossed resolution requiring the Secretary of State to purchase stationary; and a resolution in favor of John W. Hamilton; in which they ask the concurrence of that House.

Mr. M'Neill, from the committee to conduct the ballot for a Brigadier General of the 5th brigade, reported that no person in nomination had received a majority of votes.

Received from the House of Commons, a message, proposing that another ballot be immediately had for a Brigadier General of the 5th brigade; which proposition was agreed to, and a message was sent to that House, informing them thereof, and naming Messrs. Speight, of Greene, and Hinton, as the balloting committee on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Bozman and Burns attend the Senate to conduct the ballot on their part.

Mr. Saunderson presented a bill to repeal an act, entitled "An act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde;" which was read the first time and passed.



Mr. Ward, from the joint select committee, to whom was referred the resolution instructing them to inquire into the most advisable mode of having the interest of the State represented at a meeting of the stockholders of the Bank of Cape Fear, made a detailed report, which was read, and the resolution therein contained was concurred in by the Senate, as follows, to wit:

*Resolved by the General Assembly of the State of North Carolina,* That three persons be elected by joint ballot of both Houses of the General Assembly, to represent the interest which the State of North Carolina has in the stock of the Bank of Cape Fear, at the meeting of the stockholders of said Bank, to be held on the first Monday of January, A. D. 1828.

Mr. Gray presented the petition of John Waddell, of Randolph county, praying the passage of a law authorising him to erect two gates on his own land, on a road therein mentioned; also the memorial of sundry citizens of Randolph county, praying the passage of a law to prevent the further introduction of slaves into this State. Ordered that the said petition and memorial be referred to the committee of Propositions and Grievances.

Mr. Hinton, from the committee to conduct the ballot for a Brigadier General of the 5th brigade, reported that Louis D. Wilson, having a majority of all the votes, is duly elected; in which report the Senate concurred.

The bill concerning the town of Carthage, in the county of Moore, being read the third time, Mr. M'Neill moved to amend the said bill, by *inserting* at the end of the second section, the following words, to wit: "and the money arising from the sale of said lots shall be paid over by the commissioners aforesaid to the County Trustee, to be applied to county purposes;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the third time, and it passed in the affirmative, and was ordered to be engrossed.

The bill to amend an act, passed in the year 1824, entitled "An act giving the assent of North Carolina to, and enforcing in this State certain acts of the General Assembly of the State of Tennessee, relating to the Smoky Mountain Turnpike Road," was read the third time and passed, and ordered to be engrossed.

The bill to exempt aged men from serving on juries, being read the third time, Mr. Williams, of Martin, moved the indefinite postponement thereof; and the question being taken, it was determined in the affirmative.

The bill limiting the time within which deeds of trust and mortgages shall be registered, and to provide for giving publicity to the same, being read the third time, Mr. Pickett moved to amend the said bill, by adding an additional section, as follows, to wit: "And be it further enacted, that all deeds of trust and mortgages, not proven or acknowledged and registered within the time prescribed by this act, shall be null and void as to creditors and subsequent purchasers;" which amendment was agreed to. Mr. Thomson moved far-



ther to amend the bill, by *striking* out the word "*ten*," in the 15th line of the second section of the bill, and *inserting* in lieu thereof, the word "*twenty*;" which amendment was not agreed to. The question then recurred on the passage of the bill, as amended, the third time; and the question being taken, it was determined in the negative.

The bill to repeal an act, entitled "an act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde," was read the second and third times and passed, and ordered to be engrossed.

The bill for the limitation of writs of error for matters of fact and bills of review, being read the second time, Mr. Shober moved to amend the said bill, by striking out the word "*ten*," in the last line of the first section of the bill, and *inserting* in lieu thereof, the word "*five*;" which amendment was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the affirmative.

The bill for the relief of Clerks of Courts and Clerks and Masters in Equity, was read the second time and passed.

Mr. M'Dowell asked and obtained leave to withdraw the petition of Joseph King and others, of Buncombe county, presented to the Senate in 1824.

Mr. M'Millan asked and obtained leave to withdraw the petition of sundry citizens of Ashe county, in favor of John Rose, presented to the Senate during the present session.

And then the Senate adjourned until to-morrow, 10 o'clock.

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SATURDAY, DECEMBER 22, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill concerning the town of Carthage, in the county of Moore; a bill to amend an act, passed in 1824, entitled "An act giving the assent of North Carolina to, and enforcing in this State certain acts of the General Assembly of the State of Tennessee relating to the Smoky Mountain Turnpike Road;" and a bill to repeal an act, entitled "An act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde;" in which they ask the concurrence of that House.

Mr. Shober presented a bill to render valid certain acts of the acting coroner of Stokes county; which was read the first time and passed.

Mr. Jones, from the committee of Claims, to whom was referred the certificate of allowance in favor of Lucy Shaw, made a report, recommending that the said application be not allowed; in which report the Senate concurred.

Mr. Williams, of Martin, from the committee of Divorce and Alimony, made a report on the petition of Elizabeth Culpeper; which was read, when Mr. Williams, of Martin, reported a bill to divorce Elizabeth Culpeper, of Montgomery county, from her husband Charles Culpeper.



Mr. Williams, of Martin, from the same committee, made a report on the petition of Mary Mixen, of Perquimons county; which was read, when Mr. Williams, of Martin, reported a bill to divorce Mary Mixen, of the county of Perquimons, from her husband Jeremiah Mixen; which bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that that House *recedes* from their amendment made in the engrossed bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river.

Mr. Spaight, of Craven, presented the petition of Sally Flowers, of Craven county, praying to be divorced from her husband Christopher Flowers. Ordered that the said petition be referred to the committee of Divorce and Alimony.

On motion of Mr. Pickett, ordered that the Judiciary committee be discharged from the further consideration of the resolution, heretofore presented and referred to them, relative to the expediency of revising and consolidating the laws relative to the manner in which lands liable to taxes are to be sold, and that the said resolution lie on the table.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution relative to making debts due by bond or note recoverable, when the persons owing the same are about to move beyond the limits of the State, made a report, which was read, and the resolution therein contained was concurred in, as follows, to wit: *Resolved*, That it is inexpedient to change the laws respecting the recovery of debts by bond or note, or to compel persons about to leave the State, before their debts arrive at maturity, to give new security when required.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to subject bail to costs; and the engrossed resolution in favor of James Patton, of Buncombe county; in which they ask the concurrence of the Senate. Whereupon the said bill and resolution were read the first time and passed.

The following bills were presented, to wit: By Mr. Love, of Haywood, a bill to continue in force an act, passed at the last session of the General Assembly, entitled "an act to revive and continue in force an act, passed in the year 1824, 'to alter and amend an act, for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of this State;" and by Mr. Saunderson, a bill to exempt certain persons in Hyde county from serving on juries; which bills were read the first time and passed.

Mr. Hinton presented the following resolution, to wit:

*Resolved*, That the Treasurer be directed to pay to William Thompson the sum of fifteen dollars, for crape purchased by order of the Legislature; and that he be allowed for the same in the settlement of his public accounts.

Which was read the first time and passed.

The bill to render valid certain acts of the acting coroner of



Stokes county, was read the second time, amended on motion of Mr. Shober, and passed; and was subsequently read the third time and passed, and ordered to be engrossed.

The bill for the limitation of writs of error for matters of fact and bills of review, being read the third time, Mr. Shober moved to amend the said bill, by *inserting* in the 5th line of the first section, after the word "*facts*," the words "or any proceeding in the nature of a writ of error;" which amendment was not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative, and was ordered to be engrossed.

The bill for the relief of Clerks of Courts and Clerks and Masters in Equity, was read the third time and passed, and ordered to be engrossed.

The following bills, to wit: A bill making it the duty of Sheriffs to notify persons of the day on which their lands will be sold for taxes, and for other purposes; a bill to divorce Mary Mixen, of the county of Perquimons, from her husband Jeremiah Mixen; and a bill to divorce Elizabeth Culpeper, of Montgomery county, from her husband Charles Culpeper, were severally read the second time, and the question on the passage thereof being taken, it was determined in the negative.

The bill to exempt certain persons in Hyde county from serving on juries, was read the second and third times and ordered to be engrossed.

Received from the House of Commons, the resolution relative to the election of three persons by joint ballot of the Legislature, to represent the State at the meeting of the stockholders in the Cape-Fear Bank, to be held on the first Monday of January. A. D. 1828, endorsed in that House, read and concurred in, and the resolution was ordered to be enrolled.

Mr. Sherard presented the petition of Calvin R. Blackman, Sheriff of Wayne county, praying to be exempted from a certain penalty, unavoidably incurred by him. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Dobson presented a bill to repeal the 4th section of an act, passed in the year 1784. entitled "an act to prevent the several species of hunting therein mentioned;" which was read the first time and passed.

The resolution in favor of William Thompson, was read the second and third times and passed, and ordered to be engrossed.

The engrossed resolution in favor of James Patton, of Buncombe county, being read the second time. Mr. Pickett moved to amend the resolution, by *inserting* at the end thereof, the words "and that the same be charged to the account of John Haywood, deceased, late Public Treasurer with the State;" which amendment was agreed to. Mr. Whitfield moved further to amend the resolution, by *inserting* after the word "county," in the 3d line of the resolution,



the words "out of the fund set apart for internal improvement;" which amendment was not agreed to. Mr. Nuttall called for the yeas and nays on the passage of the resolution; when, on motion of Mr. Shober, ordered that the resolution do lie on the table.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to increase the penalty of the official bonds of the clerks of the several courts of record in this State, and to provide for the deposite and safe keeping said bonds, with sundry amendments; in which they ask the concurrence of the Senate; which amendments were read and severally agreed to by the Senate, and the House of Commons informed thereof by message.

Received also a message from the House of Commons, stating that they have passed the engrossed bill to allow the right of challenge to the State in certain cases, with an amendment, to wit: *strike out all the bill after the word jurors in the 10th line, and insert the words "provided the said officer make his election to challenge before the juror is tendered to the prisoner; any law to the contrary notwithstanding;"* and the question on agreeing thereto was determined in the negative, and the House of Commons were informed thereof by message.

On motion of Mr. Spaight, of Craven, ordered that David Thomson, the Senator from the county of Johnston, have leave of absence from the services of the Senate for this day.

Received from the House of Commons, the following resignations, to wit: the resignation of Jesse Barnard, as a justice of the peace for the county of Currituck; the resignation of R. M. G. Moore, as a justice of the peace for the county of Hyde; the resignation of Benjamin Sharpe, as Col. Commandant of the first regiment of Edgecomb militia; the resignation of Nathan Wright, as Major of the 4th division and 8th brigade of cavalry; and the resignation of J. H. Hereford, as Major of the 2nd regiment of Rockingham county; which were read and accepted by the Senate.

The following resignations were presented, to wit: by Mr. Matthews, the resignation of Thomas Nicholson, as Col. Commandant of the first regiment of militia of Halifax county; and by Mr. Spaight, of Craven, the resignation of Nathan B. Whitfield, as Major of the regiment of Lenoir militia; which were read and accepted and sent to the House of Commons.

And then the Senate adjourned until 3 o'clock this afternoon.

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SATURDAY, DECEMBER 22, 1827.

3 o'clock in the afternoon.

Mr. Spaight, of Craven, presented a bill to authorise the Treasurer of public buildings of the county of Craven to convey certain property to the trustees of the Newbern Academy, and to receive from said trustees, and hold in trust for said county, certain



property; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Ramsay presented the petition of Hannah H. Carlos, of the county of Chatham, praying the passage of a law to authorise her to sell certain property therein mentioned. Ordered that the said petition be referred to a select committee. The committee consists of Messrs. Ramsay, Shober, Bailey, Williams of Martin, and Gray.

On motion of Mr. Scott, a message was sent to the House of Commons, proposing to ballot on Tuesday next for a Brigadier General of the 4th brigade and 7th division, and nominating for the appointment Thomas A. Allison, William H. Carr, Abner F. Caldwell, Francis Young, William F. Kelly and John M. Smith.

And then the Senate adjourned until Monday morning, 10 o'clock.

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MONDAY, DECEMBER 24, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to render valid certain acts of the acting coroner of Stokes county; a bill for the limitation of writs of error for matters of fact and bills of review; a bill for the relief of Clerks of Courts and Clerks and Masters in Equity; a bill to exempt certain persons in Hyde county from serving on juries; and a bill to authorise the Treasurer of public buildings of the county of Craven to convey certain property to the trustees of the Newbern Academy, and to receive from said trustees, and hold in trust for said county, certain property; also the engrossed resolution in favor of William Thompson; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Nancy Donnell, of Guilford county; which was read, and the resolution therein contained was concurred in by the Senate as follows, to wit: *Resolved*, that the prayer of the petitioner be not allowed.

The following bills were presented, to wit: by Mr. Wilson, of Edgecomb, a bill to appoint additional commissioners for the town of Stantonsburg, in the county of Edgecomb; and by Mr. Brodnax, a bill to authorise Robert Gallaway, jun. to erect a gate across the public road leading from Rockingham court house to the Eagle Falls on Dan river; which were read the first time and passed.

Mr. M'Neill presented the following resolution, to wit:

*Resolved*, That the Public Treasurer be directed to refund to Jesse Rogers, of Moore county, twelve dollars and fifty cents, received at the Treasurer's office by entry-takers certificate, No. 809; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to erect out of a part of the counties of Burke and Buncombe, a separate and distinct county; a bill to incorporate the Cotton Plant Steam



Boat Company, in the town of Fayetteville; a bill to establish a medical board, and to regulate the practice of physic and surgery in this State; and a bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Pickett presented sundry resolutions instructing the Public Treasurer relative to the debt due to the State by John Haywood, late Treasurer, and to the collection and security of all debts due to the State for the sale of lands, near the city of Raleigh; which being read, on motion of Mr. Shober, ordered that the said resolutions do lie on the table.

The following bills, to wit: A bill to authorise Robert Gallaway, jun. to erect a gate across the public road leading from Rockingham court house to the Eagle Falls on Dan river; and a bill to appoint additional commissioners for the town of Stantonsburg, in the county of Edgecomb; also the resolution appointing W. R. Hill Librarian, were read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Riddick,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency and practicability of providing a remedy by law against the usurious practices which arise in the buying and selling of bonds, notes and other negotiable paper, so that the abuse commonly known under the appellation of shaving may be prevented or punished.

On motion of Mr. Vanhook, a message was sent to the House of Commons, proposing to ballot on Wednesday next for cavalry officers of the 16th brigade and 3d division, and nominating Elijah Hester for Colonel Commandant, Samuel Mitchel for Lieutenant Colonel, and James W. Jones for Major.

Mr. Davidson presented a bill to authorise the wardens of the poor for the county of Mecklenburg to purchase a tract of land, and erect such buildings as will be suitable for the comfortable accommodation of the poor of said county; Mr. Pickett presented a bill to regulate the salary of the Public Printer, and to prescribe the manner in which printing shall hereafter be done for the departments of this State, and for the preservation of the public buildings; Mr. Shober presented a bill supplementary to the acts, relative to the power of Courts of Equity in cases of partition; Mr. Burney presented a bill concerning the dockets of the Courts of Equity for the county of Columbus; Mr. Whitfield a bill more effectually to punish the crime of poisoning; which several bills were read the first time and passed, and the last mentioned bill was, on motion of Mr. Whitfield, referred to the committee on the Judiciary.

The engrossed bills, to wit: A bill to incorporate the Cotton Plant Steam Boat Company, in the town of Fayetteville, and a bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus, were read the second time and passed; and the engrossed bill to subject bail to costs, was



read the second time and passed, and on motion of Mr. Shober, ordered to lie on the table.

The following bills, to wit: A bill to repeal the 4th section of an act, passed in the year 1784, entitled "an act to prevent the several species of hunting therein mentioned;" a bill to continue in force an act, passed at the last session of the General Assembly, entitled "an act to revive and continue in force an act, passed in the year 1824, to alter and amend an act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of this State;" a bill to authorise the wardens of the poor for the county of Mecklenburg to purchase a tract of land, and erect such buildings as will be suitable for the comfortable accommodation of the poor of said county; and a bill concerning the dockets of the Court of Equity for the county of Columbus; also the resolution in favor of Jesse Rogers, of Moore county, were severally read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Sherard, ordered that Jesse Speight, the Senator from the county of Greene, have leave of absence from the services of the Senate, from and including yesterday, for the remainder of the session.

Mr. Owen, from the committee on Internal Improvements, to whom was referred the resolution instructing them to inquire whether any money, not authorised by law, had been drawn from the fund set apart for internal improvement during the years 1825, 1826, 1827, made a detailed report; which was read, and ordered to lie on the table.

Mr. Sherard presented the petition of A. F. Moses, of the county of Wayne, praying permission to erect a gate across the road leading from his house to White Hall, on his own land. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Owen, the Senate proceeded to consider the resolution in favor of James Patton, of Buncombe county; which being read, and the question taken on the passage thereof the second time, it was determined in the negative.

The Speaker presented a letter from James Nourse, agent of the American Colonization Society, together with a memorial of the American Colonization Society, with some accompanying documents; and the letter and memorial being read, Mr. Parker moved that the letter and memorial be referred to a joint select committee; which was not agreed to. Ordered that the said letter and memorial and accompanying documents do lie on the table.

Received from the House of Commons, a message, stating that they *insist* on their amendment proposed in the engrossed bill to allow the right of challenge to the State in certain cases. A motion was made by Mr. Spaight, of Craven, that the Senate do *insist* on their disagreement to the amendment; and the question being taken



thereon, it was determined in the negative. Whereupon, on motion of Mr. Shober, a message was sent to the House of Commons, stating that the Senate *recede* from their *disagreement* to the amendment proposed by that House, in the bill to allow the right of challenge to the State in certain cases, and agree to said amendment.

Mr. Deberry presented the resignation of Richard Stoker, as a justice of the peace for the county of Montgomery; which was read and accepted.

And then the Senate adjourned until to-morrow, 10 o'clock.

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TUESDAY, DECEMBER 25, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise Robert Gallaway, jun. to erect a gate across the public road leading from Rockingham court house to the Eagle Falls on Dan river; a bill to appoint additional commissioners for the town of Stantonsburg, in the county of Edgecomb; a bill to repeal the 4th section of an act, passed in the year 1784, entitled "an act to prevent the several species of hunting therein mentioned;" a bill to continue in force an act, passed at the last session of the General Assembly, entitled "an act to revive and continue in force an act, passed in the year 1824, to alter and amend an act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of the State;" a bill to authorise the wardens of the poor for the county of Mecklenburg to purchase a tract of land, and erect such buildings as will be suitable for the comfortable accommodation of the poor of said county; and a bill concerning the dockets of the Court of Equity for the county of Columbus; also the engrossed resolution in favor of Jesse Rogers, of Moore county; and the resolution appointing W. R. Hill Librarian; in which they ask the concurrence of that House.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of repealing so much of the act of 1741, chapter 26, section 10, as relates to the stealing or mismarking of any cattle, &c. by negro, indian, or mulatto slave, made a report, which was read; and the resolution therein contained, was concurred in by the Senate, as follows, to wit: *Resolved*, That it is inexpedient to legislate on the subject of the aforesaid resolution.

Mr. Fuller moved to reconsider the vote taken yesterday on the second reading of the resolution in favor of James Patton, of Buncombe county; and on the question, will the Senate reconsider the said vote? it passed in the affirmative. Thereupon, on motion of Mr. Owen, ordered that the said resolution do lie on the table.

The engrossed bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus,



being read the third time, Mr. Owen moved to amend the said bill, by *striking* out the name of Samuel B. Andres, in the fifth line of the first section, and *inserting* in lieu thereof, the name of John Lloyd; which was agreed to. The question then recurred on the passage of the bill, as amended, the third time, and it passed in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to incorporate the Cotton Plant Steam Boat Company, in the town of Fayetteville, was read the third time and passed, and ordered to be enrolled.

Mr. Pickett, from the committee appointed to investigate the accounts of the Treasury Department, and to amend and consolidate the laws respecting the same, reported a bill to provide more effectually for the representation of the Stock of the State held in the State Bank of North Carolina; which was read the first time and passed.

Mr. Ward presented a bill concerning the appointment of Clerks of the Superior Courts, and Clerks and Masters in Equity; which was read the first time and passed.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution instructing them to inquire whether certain provisions exist in the laws relative to bastardy, reported a bill to provide for the maintenance of bastards, when the reputed father shall have died before the bastard child is sworn to him; which was read the first time and passed.

Mr. Love, of Richmond, presented the resignation of Thorogood Pate, as a Justice of the Peace for the county of Richmond; which was read and accepted by the Senate, and sent to the House of Commons.

And then the Senate adjourned until to-morrow, 10 o'clock.

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WEDNESDAY, DECEMBER 26, 1827.

On motion of Mr. Scott, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 4th brigade and 7th division.

On motion of Mr. Pickett,

*Resolved*, That a joint select committee, consisting of two members from each House, be appointed to confer with the representatives, devisees, and widow of the late Treasurer of this State, and to make such arrangements with them, as may be thought compatible with the public interest, to secure to the State the payment of the debt due from said decedent, or such portion thereof as may be practicable, subject to the ratification of the Legislature; and that they report thereon.

Messrs. Pickett and Owen were appointed of the committee on the part of the Senate, and the resolution sent to the House of Commons for their concurrence.

Mr. Gray, from the select committee, to whom was referred a resolution in favor of Joseph Welch and Mark Coleman, made a report thereon, recommending the adoption of the resolution. Where-



upon the said resolution was read the third time and passed, and ordered to be enrolled.

Mr. Drake presented a bill to incorporate the Nashville Male and Female Academies; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate Mount Moriah Lodge, established on the lands of Dr. James J. Philips, in the county of Edgecomb; a bill for the better regulation of the town of Kenansville, in the county of Duplin; and a bill to secure to Susannah Suddath such property as she may hereafter acquire; which were read the first time and passed.

Ordered that Mr. Spaight, of Craven, be excused from serving as one of the committee, to whom was referred the resolution relative to the Clubfoot and Harlow Creek Canal; and Mr. Burney was appointed of the committee.

Mr. Devane presented a bill to alter the place of holding the separate election in that part of New Hanover county, called Canetuc; which was read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of A. F. Moses, of Wayne county, made a report thereon, which was read; and the resolution therein contained, was concurred in by the Senate, as follows, to wit: *Resolved*, that the prayer of the petitioner be not allowed.

The engrossed bill to establish a Medical Board, and to regulate the practice of physic and surgery in this State, was read the second time. Mr. Wilson, of Edgecomb, moved to amend the said bill by *striking* out the name of Edward T. Brodnax, in the 12th line of the 2d section, and *inserting* the name of Philip Thomas, of Milton; which amendment was agreed to. Mr. Whitfield moved that the said bill be indefinitely postponed, and the question being taken, it was determined in the affirmative, and the House of Commons were informed thereof by message.

The bill to provide for the maintenance of bastards, when the reputed father shall have died before the bastard child is sworn to him, being read the second time, on motion of Mr. Pickett, ordered that the said bill do lie on the table.

The bill to provide more effectually for the representation of the Stock of the State held in the State Bank of North Carolina, was read the second time and passed, and being read the third time, on motion of Mr. Montgomery, ordered that the said bill do lie on the table.

Received from the House of Commons, the resolution appointing a joint select committee, consisting of two members from each House, to confer with the representatives, devisees and widow of the late Treasurer of this State, endorsed in that House, "read and concurred in, and Mr. Alexander and Mr. Gaston selected as a committee on the part of this House."



The following bills, to wit: A bill concerning the appointment of Clerks of the Superior Courts and Clerks and Masters in Equity; a bill to regulate the payment of the salary of the Public Printer, and to prescribe the manner in which printing shall hereafter be done for the departments of this State, and for the preservation of the public buildings; a bill supplementary to the acts relative to the powers of the Court of Equity in cases of partition; a bill to alter the place of holding the separate election in that part of New-Hanover county called Canetuc; and a bill to incorporate the Nashville male and female Academies, were read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: A bill to incorporate Mount Moriah Lodge, established on the lands of Doctor James J. Philips, in the county of Edgecomb; a bill for the better regulation of the town of Kenansville, in the county of Duplin; and a bill to secure to Susannah Suddath such property as she may hereafter acquire, were read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Love, of Haywood, the Senate proceeded to consider the bill concerning the election of county surveyors, when Mr. Love, of Haywood, moved to amend the said bill, by striking out "all the bill," except the words "a bill" and *inserting* the amendment by him submitted; which amendment being read, was agreed to. Mr. Jones moved further to amend the bill by *striking* out the words "on the bench;" which amendment was agreed to. Whereupon the said bill was read the third time, as amended, and passed, and ordered to be engrossed.

And then the Senate adjourned until 10 o'clock, to-morrow morning.

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THURSDAY, DECEMBER 27, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill concerning the appointment of Clerks of the Superior Courts, and Clerks and Masters in Equity; a bill to regulate the payment of the salary of the Public Printer, and to prescribe the manner in which printing shall hereafter be done for the departments of this State, and for the preservation of the public buildings; a bill supplementary to the acts relative to the power of Courts of Equity in cases of partition; a bill to alter the place of holding the separate election in that part of New-Hanover county called Canetuc; a bill to incorporate the Nashville male and female Academies; and a bill concerning the election of county surveyors in the counties of Burke, Rutherford, Buncombe, Wilkes, Ashe and Haywood; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Waddle, of Randolph county, made a report; which was read, when Mr. Shober reported



a bill to authorise John Waddle, of Randolph county, to erect two gates; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the petition of C. R. Blackman, sheriff of Wayne county, made report; which was read, and the resolution therein contained, as follows, to wit:

*Resolved*, That Calvin R. Blackman, sheriff of Wayne county, be permitted to settle and close his revenue accounts with the proper officer for the last fiscal year, and that he be discharged from any penalty and forfeiture to which he may be liable.

Which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the petition of William Ferrell, of Montgomery county, made a detailed report; which was read, when Mr. Shober reported a bill to restore to credit William Ferrell, of Montgomery county; which being read, and the question taken on the passage thereof the first time, it was determined in the negative.

The following bills were presented, to wit: By Mr. Spaight, of Craven, a bill to repeal an act, entitled "an act relating to the exercise of the right of challenge in certain cases," passed in the year of our Lord 1826; by Mr. Joiner, a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Pitt;" and by Mr. Owen, a bill to amend an act, passed in 1823, entitled "an act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians;" which bills were read the first time and passed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to compel the Register and Clerk of the County Court of Hyde to keep their respective offices at the court house in said county; a bill requiring the public register of Orange county to keep his office at the court house of said county; a bill to authorise and direct the sheriff of Rowan county to collect the taxes imposed by the commissioners of the town of Salisbury; a bill to incorporate Jerusalem Lodge, in Greene county; a bill to amend the sale law in Rutherford county; a bill to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick; and a bill to incorporate the Occacock Navigation Company; also the engrossed resolution in favor of Joshua E. Lumsden; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were read the first time and passed.

Received from the House of Commons, a message, proposing to ballot at 4 o'clock this evening for Brigadier General of the 7th brigade and 4th division; which proposition was not agreed to: when, on motion of Mr. Dobson, a message was sent to the House of Commons, proposing to ballot immediately for that officer.

On motion of Mr. Pickett, a message was sent to the House of Commons, proposing to ballot at the meeting of the two Houses to-



morrow, for three persons to represent the interest of the State in the Cape-Fear Bank, at the approaching general meeting of the stockholders thereof.

Mr. Davidson presented a resolution in favor of the administrator of Thomas Elliott, of Mecklenburg county; which was read the first time and passed.

Mr. Pickett, from the Judiciary committee, to whom was referred the bill more effectually to punish the crime of poisoning, reported the bill without amendment, and it was made the order of the day for to-morrow.

The following bills, to wit: A bill to amend an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Pitt," and a bill to authorise John Waddle, of Randolph county, to erect two gates; also the resolution in favor of C. R. Blackman, sheriff of Wayne county, were respectively read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating their agreement to the amendment made by the Senate in the engrossed bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus. Whereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating their agreement to the proposition of the Senate to ballot to-morrow morning for three suitable persons to represent the interest of the State in the Cape-Fear Bank at the approaching general meeting of the stockholders; but that they do not agree to ballot immediately for a Brigadier General of the 7th brigade and 4th division, as proposed by the Senate, and propose to ballot for that officer on to-morrow; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to provide for the final settlement of executors and administrators; also another message, informing the Senate of their rejection of the engrossed bill to repeal the 4th section of an act, passed in 1784, entitled "an act to prevent the several species of hunting therein mentioned."

Received from the House of Commons, a message, proposing to amend the recommendation for Field Officers for the county of Richmond, by striking out the name of "Duncan M'Farland," and inserting that of "Henry Dockery," which was not agreed to; and, on motion of Mr. Love, of Richmond, a message was sent to that House, stating that the Senate do not agree to the recommendation of Henry Duckery, as Major of the Richmond militia; but recommend for that appointment George Northam.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution appointing W. R. Hill



Librarian, with an amendment, in which they ask the concurrence of the Senate. And the said amendment being read as follows, to wit: "*Resolved*, that said Hill make out and deposite with the Secretary of State, an alphabetical list of all books belonging to the Library, and of such as may hereafter be purchased," was agreed to by the Senate, and the House of Commons informed thereof by message.

On motion of Mr. Montgomery, the Senate proceeded to consider the bill to provide more effectually for the representation of the stock of the State, held in the State Bank of North Carolina. Mr. Montgomery moved to amend the bill by striking out "all the bill after the enacting clause," and *inserting* "that there shall be annually elected, by joint ballot of both Houses of the General Assembly, some suitable person to represent the State and her interest in the annual and all other meetings of the stockholders of the State Bank;" which amendment was not agreed to. Mr. Montgomery moved further to amend the bill by *inserting* in the third line of the bill after the word "Governor," the word "Treasurer;" which amendment was not agreed to. Mr. Dobson moved further to amend the bill, by *inserting* in the 5th line of the bill, after the word "person," the words "not a stockholder;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the third time, and the question being taken, it passed in the affirmative, and was ordered to be engrossed.

Received from the House of Commons, the resolution reported from the committee appointed to investigate the Treasury Department, to wit: "*Resolved*, that it is inexpedient to accept of the conveyances of the representatives and devisees of the late Treasurer, under the restrictions and conditions therein contained," endorsed in that House, "read and concurred in."

Mr. Pickett asked and obtained leave to withdraw the conveyances made by the representatives of the late Treasurer to the Governor, to the use of the State of North Carolina.

The resolution in favor of the administrator of Thomas Elliott, of Mecklenburg county, was read the second and third times and passed, and ordered to be engrossed.

Mr. Shober presented a resolution relative to procuring iron backs for the fire places in the Senate Chamber and Commons Hall, and directing the Treasurer to advance the sum necessary for the procurement thereof; which was read the first and second times and passed.

The following engrossed bills, to wit: A bill to compel the Register and Clerk of the County Court of Hyde to keep their respective offices at the Court House in said county; a bill to amend the sale law in Rutherford county; and a bill to incorporate Jerusalem Lodge, in Greene county; also the engrossed resolution in favor of Joshua E. Lumsden, were read the second and third times and passed, and ordered to be enrolled.



The engrossed bills, to wit: A bill to authorise and direct the Sheriff of Rowan county to collect the taxes imposed by the commissioners on the town of Salisbury; and a bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick, were read the second time and passed.

The bill to erect out of a part of the counties of Burke and Buncombe, a separate and distinct county, being read the second time, Mr. Askew, of Bertie, moved the indefinite postponement thereof; and the question being taken, it was determined in the affirmative—yeas 34, noes 27. The yeas and nays being demanded by Mr. Wilson, of Edgecomb—

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Beasley, Burney, Drake, Davenport, Devane, Fuller, Hurst, Howze, Harrell, Hollamon, Hinton, Hawkins, Joiner, Locke, Mathews, M'Daniel, Nuttall, Riddick, Royal, Spaight of Craven, Salyear, Sauderson, Sherard, Thomson, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Those who voted in the negative, are Messrs. Alexander, Burgin, Bethune, Brodnax, Deberry, Dobson, Davidson, Franklin, Gray, Jones, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Neill, Montgomery, M'Eachin, Owen, Pickett, Parker, Ramsay, Reinhardt, Smith, Scott, Shuford, Shober, Vanhook.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### FRIDAY, DECEMBER 28, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to amend an act, passed at the last session of the General Assembly, entitled "An act to establish a poor house in the county of Pitt;" a bill to authorise John Waddle, of Randolph county, to erect two gates; and a bill to provide more effectually for the representation of the stock of the State held in the State Bank of North Carolina; also the engrossed resolution in favor of Calvin R. Blackman, Sheriff of Wayne county; and a resolution in favor of the administrator of Thomas Elliott, of Mecklenburg county; in which they ask the concurrence of that House.

Mr. Deberry presented the petition of Parham Kirk, late Sheriff of Montgomery county, praying the Legislature to release him from a certain fine, and to allow him his commissions, insolvents, mileage, &c. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Gray presented the petition of John B. Ogg, of the borough of Norfolk, and State of Virginia, praying that certain military certificates be allowed him. Ordered that the said petition be referred to the committee of Claims.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: a bill to incorporate the first Presbyterian Church in the town of Oxford; a bill to establish Wake Forest Pleasant Grove Academy, in the county of Wake; a bill to incorporate the town of Lexington, in the county of Davidson; a bill to alter the existing line between the first and



second regiments of the militia of Guilford; a bill to incorporate the Hookerton Library Company, in the county of Greene; a bill to authorise Henry Gibbs, Sheriff of Hyde county, to collect arrears of taxes; a bill empowering the commissioners of the town of Halifax, to sell to Lemuel Long a certain strip of land of the commons of said town; a bill to incorporate the Franklin Lodge, No. 94, in the county of Hyde; and a bill to repeal the second, third and fourth sections of an act, passed in the year 1819, entitled "An act prescribing the manner of assessing lands in this State for taxation, so far as relates to the county of Anson; also a resolution in favor of Matthew Coman; in which they ask the concurrence of the Senate. Whereupon the said bills and resolution were read the first time and passed.

The following bills were presented, to wit: by Mr. Fuller, a bill to regulate the fees which shall be allowed the pilots of Occacock Inlet, Old Topsail Inlet, Bogue Inlet, and the waters connected therewith; and by Mr. Drake, a bill to provide for the payment of jurors of the county of Nash; which bills were read the first time and passed.

The engrossed bills, to wit: a bill to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick; and the bill to authorise and direct the Sheriff of Rowan county to collect the taxes imposed by the commissioners on the town of Salisbury, were read the third time and passed, and ordered to be engrossed.

The resolution relative to procuring iron backs for the fire places in the Senate Chamber and Commons Hall, was read the third time and passed, and ordered to be engrossed.

Mr. Fuller presented a bill to compel inspectors of fish, naval stores, lumber, and all other kind of produce, to work on roads and perform military duty, so far as regards the county of Carteret; which was read the first time and passed.

On motion of Mr. Bailey, the Senate proceeded to consider the engrossed resolution in favor of James Patton, of Buncombe county; and the said resolution being read the second time, and the question taken on the passage thereof, it passed in the affirmative—yeas 32, noes 26. The yeas and nays being demanded by Mr. Nuttall—

Those who voted in the affirmative, are Messrs. Alexander, Burgin, Bethune, Bailey, Beasley, Brodnax, Burney, Deberry, Drake, Dobson, Davidson, Fuller, Gray, Hurst, Hinton, Joiner, Jones, Love of Haywood, Love of Richmond, M'Dowell, M'Eachin, Owen, Pickett, Parker, Reinhardt, Riddick, Smith, Saunderson, Scott, Shuford, Shober, Williams of Martin.

Those who voted in the negative, are Messrs. Askew of Hertford, Davenport, Devane, Franklin, Howze, Harrell, Hawkins, Locke, Matthews, M'Daniel, M'Neill, Montgomery, Nuttall, Ramsay, Royal, Spaight of Craven, Salyear, Sherard, Thomson, Vanhook, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Ward.

The resolution being read the third time, Mr. Nuttall moved to amend it by *inserting* in the last line of the resolution, after the word "dollars," the words "to be paid out of the funds set apart for In-



ternal Improvements;" which amendment was agreed to. The question then recurred on the passage of the resolution, as amended, the third time, and the question being taken, it passed in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to amend an act, passed in 1823, entitled "An act respecting the reservations of certain Indians, in the lands lately acquired by treaty from the Cherokee Indians, was read the second and third times and passed, and ordered to be engrossed.

The bill more effectually to punish the crime of poisoning, being read the second time, and the question taken on the passage thereof, it was determined in the negative.

On motion of Mr. Montgomery, a message was sent to the House of Commons, stating that Messrs. Montgomery and Scott attend the House of Commons to conduct the ballot for a Brigadier General of the 7th brigade and 4th division on the part of the Senate. Whereupon, a message was received from the House of Commons, appointing Messrs. Burns and Sharpe, as the balloting committee on the part of that House.

The bill to repeal an act, entitled "an act relating to the exercise of the right of challenge in certain cases," passed in the year of our Lord 1826, being read the second time, and the question taken on the passage thereof, it was determined in the negative.

Mr. Montgomery, from the committee to conduct the ballot for Brigadier General of the 7th brigade, reported that no person in nomination had received a majority of votes.

On motion of Mr. Montgomery, a message was sent to the House of Commons, proposing to ballot again immediately for a Brigadier General of the 7th brigade, and naming Messrs. Hawkins and Davenport as the balloting committee on the part of the Senate. Whereupon, a message was received from the House of Commons, agreeing to the proposition of the Senate, appointing Messrs. Taylor and Glisson to conduct the ballot on the part of that House, and withdrawing the names of Mr. Kelly and Mr. Allison from the nomination.

The following engrossed bills, to wit: A bill empowering the commissioners of the town of Halifax to sell to Lemuel Long a certain strip of land of the commons of said town, &c.; a bill to alter the dividing line between the first and second regiments of the militia of Guilford; a bill to establish Wake Forest Pleasant Grove Academy, in the county of Wake; a bill to authorise Henry Gibbs, sheriff of Hyde county to collect arrears of taxes; a bill to incorporate the Franklin Lodge, No. 94, in the county of Hyde; a bill to incorporate the Hookerton Library Company, in the county of Greene; and a bill to incorporate the town of Lexington, in the county of Davidson; also the engrossed resolution in favor of Matthew Coman; which bills and resolution were read the second and third times and passed, and ordered to enrolled.

The engrossed bill to incorporate the first Presbyterian Church, in the town of Oxford, being read the second time, Mr. Joiner moved the indefinite postponement thereof; and the question being taken, it was determined in the affirmative.

The engrossed bill to repeal the second, third and fourth sections of



an act, passed in the year 1819, entitled "an act prescribing the manner of assessing lands in this State for taxation," so far as relates to the county of Anson, was read the second time and passed, and on motion of Mr. Shober, ordered that the said bill do lie on the table until to-morrow.

The bill to provide for the payment of jurors of the county of Nash; and the bill to compel the inspectors of fish, naval stores, lumber, and all other kind of produce, to work on roads and perform military duty, so far as regards the county of Carteret, were read the second and third times and passed, and ordered to be engrossed.

The bill to incorporate the Occacock Navigation Company, being read the second time, Mr. Ward moved to amend the bill, by *striking* out in the 15th line of the 5th section, the word "seven," and *inserting* the word "eight;" which amendment was agreed to. Mr. Ward moved further to amend the bill, by *striking* out the word "eight," in the 6th line of the 6th section, and *inserting* the word "nine;" which amendment was agreed to. Mr. Wilson, of Edgecomb, moved further to amend the bill, by *striking* out the words "an annual," in the 17th line of the 10th section, and *inserting* the letter "a;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the second time, and the question being taken, it passed in the affirmative.

Mr. Hawkins, from the committee to conduct the ballot for a Brigadier General of the 7th brigade, reported that no person in nomination had a majority of votes.

A message was received from the House of Commons, stating that they have passed the bill concerning the Public Treasurer, with sundry amendments, in which they ask the concurrence of the Senate; and the amendments being read, were severally agreed to, except the amendment at the close of the 12th section, which was not agreed to; and the House of Commons were informed thereof by message.

The following resignations were presented, to wit: By Mr. Burgin, the resignation of P. Ballew, as Colonel Commandant of the second regiment of Burke militia; and the resignation of David Newland, as Lieutenant Colonel of the second regiment of Burke militia; by Mr. Scott, the resignation of W. H. Kerr, as Colonel Commandant of the first Rowan regiment of North Carolina militia; and by Mr. Smith, the resignation of Jesse Hargrave, as a Justice of the Peace for the county of Davidson; which resignations were read and accepted by the Senate, and sent to the House of Commons.

And then the Senate adjourned until to-morrow, 10 o'clock.

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SATURDAY, DECEMBER 29, 1827.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to amend an act, passed in 1823, entitled "An act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians;" a bill to provide for the payment of jurors of the county of Nash; and a bill to compel inspectors of fish, naval stores, lumber, and all other kinds of produce to work on roads and perform military duty, so far as regards the county of Carteret; also the resolution relative to the procuring iron backs for the fire places in the Senate Chamber and Commons Hall; in which they ask the concurrence of that House.



Mr. Jones, from the committee on the Militia and Militia Laws, to whom was referred the resolution instructing them to inquire into the expediency of amending the militia laws in relation to the time that a captain of a company shall keep his men under arms, &c. reported that it is inexpedient to change the now existing laws on either of the above subjects; in which report the Senate concurred.

Mr. Burgin presented a bill to vest the election of Sheriff in the freemen of the county of Burke; which was read the first time and passed.

On motion of Mr. Vanhook,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of issuing one hundred thousand dollars in Treasury notes; and that they report by bill or otherwise.

Mr. Ramsay, from the select committee, to whom was referred the petition of Hannah H. Carlos, made a detailed report; which was read, when Mr. Ramsay reported a bill relative to the sale of the estates of infants; which was read the first time and passed.

On motion of Mr. Nuttall, a message was sent to the House of Commons, proposing to ballot again immediately for Brigadier General of the 7th brigade, withdrawing the name of Francis Young, and naming Messrs. Nuttall and M'Millan to conduct the ballot on the part of the Senate. Whereupon, a message was received from the House of Commons, agreeing to the proposition of the Senate, withdrawing the name of Abner F. Caldwell, and appointing Messrs. Burns and Boon the committee to conduct the ballot on the part of that House.

Mr. M'Eachin presented a bill providing for the appointment of Electors to vote for President and Vice President of the United States; which being read the first time, Mr. Williams, of Martin, moved that the said bill be indefinitely postponed. Mr. Bailey moved to lay the bill on the table; which motion was not agreed to. The question then recurred on the indefinite postponement of the bill, and the question being taken, it was determined in the affirmative—yeas 43, noes 16. The yeas and nays being demanded by Mr. Williams, of Martin—

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Alexander, Burgin, Bailey, Beasley, Brodnax, Burney, Drake, Dobson, Davenport, Devane, Hurst, Harrell, Hollamon, Hinton, Hawkins, Love of Haywood, M'Dowell, Matthews, M'Daniel, Montgomery, Nuttall, Owen, Pickett, Ramsay, Riddick, Royal, Spaight of Craven, Salyear, Smith, Saunderson, Scott, Shober, Sherard, Thomson, Vanhook, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Those who voted in the negative, are Messrs. Bethune, Deberry, Davidson, Fuller, Franklin, Gray, Joiner, Jones, Locke, Love of Richmond, M'Millan, M'Neill, M'Eachin, Parker, Reinhardt, Williams of Beaufort.

Mr. Brodnax presented a bill to amend an act, passed in the year 1825, to continue in force the provisions of an act, passed in 1818, entitled "An act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough;" which was read the first time and passed.

Received from the House of Commons, a message, stating that



they have passed the engrossed bill to appropriate \$6,232 for the purpose of improving the navigation of the Cape Fear river, below the town of Wilmington, and for other purposes; and a resolution in favor of Hardy B. Croom; in which they ask the concurrence of the Senate. Whereupon the said bill and resolution were read the first time and passed.

Mr. Nuttall, from the committee to conduct the ballot for a Brigadier General of the 7th brigade and 4th division, reported that William H. Kerr was duly elected; in which report the Senate concurred.

On motion of Mr. Hawkins, a message was sent to the House of Commons, proposing to ballot to-day for a Colonel of Cavalry attached to the 17th brigade, nominating Gideon Maeon Green for the appointment, and naming Messrs. Hawkins and Shober to conduct the ballot on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that they do not agree to ballot immediately, as proposed by the Senate, for a Colonel of Cavalry; but propose to ballot for that officer on Monday at the meeting of the two Houses, and adding the name of William Davis to the nomination; which proposition was agreed to, and the House of Commons informed thereof by message.

The engrossed bill to repeal the second, third and fourth sections of an act, passed in the year 1819, entitled "An act prescribing the manner of assessing lands in this State for taxation, so far as relates to the county of Anson," was read the third time and passed, and ordered to be enrolled.

The engrossed bill requiring the public register of Orange county to keep his office at the Court House of said county, was read the third time and passed, and ordered to be enrolled.

The bill to vest the election of Sheriff in the freemen of the county of Burke, being read the second time, and the question taken on the passage thereof, it was determined in the negative.

Mr. Owen, from the committee of Finance, to whom was referred the resolution relative to Miss Udney M. Blakely, made a report recommending that the appropriation be not withheld. On motion of Mr. Love, of Haywood, ordered that said report do lie on the table.

Mr. Owen, from the same committee, to whom was referred a resolution relative to insolvents and blank licenses, made a report; which was read, and the resolution therein contained was concurred in by the Senate as follows, to wit: *Resolved*, that it is inexpedient to legislate on either of the subjects embraced in the resolution at this time.

Mr. Reinhardt presented the petition of John Davis, of Lincoln county, praying the Legislature to place him on the pension list. Mr. Shuford presented the petition of Thomas Martin, of Rutherford county, praying the passage of a law restoring him to credit.



Ordered that the said petitions be referred to the committee of Propositions and Grievances.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to legitimate Duncan Melvin and others, of the county of Bladen, with an amendment; in which they ask the concurrence of the Senate; which being read, was agreed to by the Senate, and the House of Commons informed thereof by message.

On motion of Mr. Pickett, the Senate reconsidered the vote taken yesterday on one of the amendments proposed by the House of Commons in the bill concerning the Public Treasurer. Whereupon, Mr. Pickett moved to amend the amendment proposed by the House of Commons in the said bill, to wit: by striking out all of said amendment between the word "bonds," in the 19th line of the amendments proposed to the first section of said bill; which amendment to the amendment was agreed to, and a message sent to the House of Commons, asking their concurrence therein.

The bill to incorporate the Occacock Navigation Company being read the third time, Mr. Ward moved to amend the said bill by *striking out* in the 25th line of the fifth section the word "seven," and *inserting* the word "eight." Mr. Askew, of Bertie, moved to postpone the further consideration of the bill until Monday next; which was not agreed to. The question then recurred on the amendment proposed by Mr. Ward; and the question being taken, it was determined in the negative. Mr. Shober moved to *strike out* the word "eight," in the 15th line of the 5th section, and the word "nine," in the 6th line of the 6th section, and to *insert* in lieu of "eight," the word "seven," and the word "eight" in lieu of "nine," in the 5th and 6th sections respectively; which amendments were agreed to. Mr. Alexander moved further to amend the bill, by striking out the 8th section; which was agreed to. Mr. Pickett moved further to amend the bill, by striking out the 9th section. Mr. Shober moved to amend the 9th section, by *adding* thereto the following words, to wit: "unless the profits on the capital stock shall exceed more than 6 per cent.;" which amendment was not agreed to. The question then recurred on the amendment submitted by Mr. Pickett, to strike out the 9th section; which was agreed to. The question was thereupon taken on the passage of the bill, as amended, the third time, and it passed in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons, the resignation of Micajah T. Hawkins, as Colonel of Cavalry attached to the 17th brigade of militia; which was read and accepted by the Senate.

Mr. Jones presented the resignation of Francis Young, as Colonel Commandant of the second regiment of militia of Iredell county;



which was read and accepted by the Senate, and sent to the House of Commons.

And then the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 31, 1827.

Mr. Ward, from the joint select committee, to whom was referred the report of the Adjutant General of the militia of this State, made a detailed report; which was read, when Mr. Ward reported a bill to erect an Arsenal on the south-west of the Public Square, on which the Capitol stands; which was read the first time and passed.

Mr. Jones, from the committee of Claims, to whom was referred the petition of John B. Ogg, made a report; which was read, and the resolution therein contained, as follows, to wit: *Resolved*, that the prayer of the petitioner be not allowed, was, on motion of Mr. Owen, ordered to be laid on the table.

Mr. Fuller presented a bill to amend an act, passed in the year 1825, entitled "an act for the better regulation of the town of Beaufort;" which was read the first time and passed.

Received from the House of Commons the following resolution, to wit:

*Resolved*, That a joint select committee be appointed to inquire what measures this Legislature can adopt, if any, to protect the local banks of this State, and consequently the interest of the State and its citizens, against the destructive operation of the Bank of the United States at Fayetteville, and that they report by bill or otherwise. *Resolved*, That Messrs. Alexander, Fisher and Bynum, form the committee on the part of this House.

Which resolution was read and agreed to. Messrs. Shober, M'Eachin and Pickett were appointed of the committee on the part of the Senate, and the resolution sent to the House of Commons.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Parham Kirk, sheriff of Montgomery county, made a report; which was read, and the resolution therein contained, as follows, to wit: "*Resolved*, That Parham Kirk, sheriff of Montgomery county, be permitted to settle and close his accounts with the proper officer for the last fiscal year; and that on such settlement he be allowed the usual commission, mileage and attendance, and that he be discharged from any penalty or forfeiture, which he may have incurred in failing to account within the proper time," was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Caswell; a bill to incorporate the Zion Relief Society of North-Carolina; a bill to incorporate the trustees of Holly Grove Academy, in Sampson county; a bill to authorise Ann Fewell, of the county of Rockingham, to erect a gate across the public road leading through her plantation on Dan



river; a bill to explain and amend the several acts of Assembly concerning the poor house, in the county of Beaufort; a bill to allow the sheriff of Carteret county travelling fees, when he may be compelled to travel to Occacock or Portsmouth, to execute process of any sort; a bill to establish a turnpike road in the county of Haywood; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Rowan to appoint a committee of Finance; and a bill to amend an act to provide for the paying of jurors of the county of Wayne, passed in the year 1823; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

On motion of Mr. Love, of Haywood, the Senate proceeded to consider the report of the committee of Finance on the resolution in relation to Miss Udney M. Blakely; and the said report having been read, and the question taken on concurring therewith, it was determined in the negative, when Mr. Love, of Haywood, presented the following resolution, to wit:

*Resolved by the Senate and House of Commons,* That the appropriation for the education of Udney M. Blakely, the daughter of Johnston Blakely, having been continued for twelve years, at the price of six hundred dollars per annum, it is the opinion of this Legislature that the same be, and it is hereby discontinued.

Which being read, on motion of Mr. Owen, ordered that the said resolution do lie on the table.

Mr. Owen, from the committee on Internal Improvement, to whom was referred the petition of Samuel Proctor and Wiley M'Pherson, for himself and the heirs of Holloway Ohl, made a detailed report; which was read, when Mr. Owen reported a bill to revive and continue in force certain acts of Assembly therein named; which was read the first time and passed.

Mr. Pickett, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the practicability of providing by law a remedy against the usurious practices which arise in the buying and selling bonds, notes, &c. made a report; which was read, and the resolution therein contained was concurred in, as follows, to wit: *Resolved,* That it is inexpedient to amend the laws restraining the practice of usury.

Received from the House of Commons, the report of the joint select committee, to whom was referred the resolution instructing them to confer with the representatives, devisees and widow of the late Treasurer of this State, endorsed in that House "read and concurred in, and the resolution accompanying, adopted," together with a proposition that the report and the resolution be printed, five copies for each member. The said report and resolution being read, on motion of Mr. Pickett, *Resolved,* That the Senate doth, on its part, approve of the recommendations contained in this report, and direct that the arrangements therein proposed be carried into effect; and a message was sent to the House of Commons, stating the concurrence of the Senate in the resolution, and their agreement to print the report and resolution, five copies for each member.



The resolution in favor of Parham Kirk, sheriff of Montgomery county, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1825, entitled "an act for the better regulation of the town of Beaufort," was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate in the engrossed resolution in favor of James Patton, of Buncombe county. Whereupon the said resolution was ordered to be enrolled.

Received from the House of Commons, a message, stating that they *recede* from their amendment made in the engrossed bill concerning the Public Treasurer at the close of the 12th section, and that they *agree* to the amendment proposed by the Senate in the first section.

Received from the House of Commons, a message, proposing to ballot *immediately* for Colonel Commandant of Cavalry, attached to the 17th brigade, and adding to the nomination the name of Thomas G. Stone, also naming Messrs. Gary and Simpson to conduct the ballot on the part of that House; which proposition was not agreed to.

On motion of Mr. Drake, a message was sent to the House of Commons, proposing to ballot for Colonel of cavalry attached to the 17th brigade, on Thursday next, and adding to the nomination the name of William Bellamy.

On motion of Mr. Wilson, of Edgecomb, a message was sent to the House of Commons, proposing to ballot to-morrow for cavalry officers, attached to the 5th brigade and 7th division of militia, and nominating Roderick B. Gary as Colonel, Solomon Pender for Lieut. Colonel and Jesse A. Bynum as Major.

Received from the House of Commons, a message, proposing to ballot to-morrow for Colonel, Lieut. Colonel and Major of cavalry attached to the 15th brigade; which proposition was agreed to, and a message sent to that House, informing them of the agreement of the Senate, and nominating Benjamin Brittain for Colonel.

The following engrossed bills, to wit: A bill to authorise Ann Fewell, of the county of Rockingham, to erect a gate across the public road leading through her plantation on Dan river; a bill to allow the sheriff of Carteret county travelling fees, when he may be compelled to travel to Occacock or Portsmouth, to execute process of any sort; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Rowan to appoint a committee of Finance; a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Caswell; a bill to amend an act to provide for the paying of jurors of the county of Wayne, passed in the year 1823; a bill to explain and amend the several acts of Assembly concerning the poor house in



the county of Beaufort; a bill to incorporate the trustees of Holly Grove Academy, in Sampson county; and a bill to establish a turnpike road in the county of Haywood, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate the Zion Relief Society of North Carolina, was read the second time, and the question being taken on the passage thereof, it was determined in the negative.

A message was received from the House of Commons, stating that they have postponed indefinitely the engrossed bill to exempt certain persons in Hyde county from serving on juries; also the bill concerning the dockets of the Court of Equity for the county of Columbus; and the resolution in favor of Jesse Rogers, of Moore county.

The bill to regulate the fees which shall be allowed the pilots of Occacock Inlet, Old Topsail Inlet, Bogue Inlet, and the waters connected therewith, being read the second time, Mr. Ward moved to amend the bill, by striking out "Bogue Inlet," in the first section of the bill. Whereupon, on motion of Mr. Spaight, of Craven, the said bill and amendment were indefinitely postponed.

The bill to amend an act, passed in the year 1825, to continue in force the provisions of an act, passed in 1818, entitled "An act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough;" and the bill relative to the sale of the estates of infants, were read the second time and passed.

Received from the House of Commons, a message, proposing that the two Houses ballot to-morrow morning for four trustees of the University of North-Carolina, to supply the vacancies in that board, and nominating William Robards, Gavin Hogg and Hugh D. Waddell for the appointments; which proposition was agreed to, and the House of Commons informed thereof by message, and adding the name of Emanuel Shoher to the nomination. Received also from that House, a communication from the Governor, transmitting the annual report of the Treasurer of the Board of Trustees of the University of North Carolina; which were read and ordered to lie on the table.

Mr. Pickett moved that the Senate reconsider the vote taken on Saturday on the third reading of the engrossed bill to incorporate the Occacock Navigation Company; and on the question, will the Senate reconsider the said vote? it passed in the affirmative. Mr. Pickett then moved to reconsider the vote taken on Saturday on the amendment to the said bill, submitted by Mr. Alexander, to wit: to strike out the 8th section; which was agreed to. Mr. Pickett moved also to reconsider the vote taken on the same day on the amendment submitted by himself to the said bill, to wit: to strike out the 9th section; which was agreed to. Mr. Pickett then moved to amend the bill, by striking out, in the 5th line of the 9th section,



the words "or the property holden by the company;" which amendment was agreed to. Mr. Alexander then moved to amend the said bill, by *striking* out, in the 15th and 16th lines of the 8th section, the following words, to wit: "with interest from the time of such payment;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the third time, and the question being taken, it passed in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendments.

A message was received from the House of Commons, stating that they have passed the engrossed bill to repeal an act, entitled "An act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde, and for other purposes," with an amendment, to wit: *strike* out the "proviso" in the bill, and *insert* the amendment herewith submitted; in which they ask the concurrence of the Senate; which amendment was agreed to, and the House of Commons informed thereof by message.

The bill to appropriate six thousand two hundred and thirty-two dollars, for the purpose of improving the navigation of Cape-Fear river, below the town of Wilmington, and for other purposes, being read the second time, Mr. Alexander moved to postpone for the present the further consideration of the bill, and that it be committed to a committee of the whole House, and made the order of the day for to-morrow; which motion was agreed to.

Received from the House of Commons, the recommendation of the representatives of the county of Duplin, of certain persons therein named, as Justices of the Peace, endorsed in that House, "read and agreed to: provided the name of William Glisson be added to the nomination;" and the question being taken on the proposition of the House of Commons, to wit: to add the name of William Glisson, it was determined in the negative; and the recommendation sent to the House of Commons, with a message stating the disagreement of the Senate.

And then the Senate adjourned until to-morrow, 10 o'clock.

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TUESDAY, JANUARY 1, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to amend an act, passed in the year 1825, entitled "An act for the better regulation of the town of Beaufort;" and the engrossed resolution in favor of Parham Kirk, Sheriff of Montgomery county; in which they ask the concurrence of that House.

Mr. Vanhook presented a bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said company; which was read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas Martin, of Rutherford



county, made a report; which was read, when Mr. Shober reported a bill to restore to credit Thomas Martin, of Rutherford county; which was read the first time and passed.

Mr. Jones, from the committee on the Militia and Militia Laws, to whom was referred the memorial of sundry of the militia of the county of Stokes, made a detailed report; which was read, when Mr. Jones reported a bill making it the duty of the field officers of the second regiment of Stokes militia, to convene their regiment at, or within a convenient distance of the centre of their district; which was read the first time and passed.

Mr. Hurst presented a bill imposing an additional tax on suits in the Superior Courts of Law and Courts of Equity, and Courts of Pleas and Quarter Sessions, in the county of Duplin. Mr. M'Eachin presented a bill for the better regulation of the Court of Pleas and Quarter Sessions in the county of Robeson. Mr. Williams, of Martin, presented a bill to authorise the securities of Edward Griffin, late sheriff of Martin county, to collect arrearages of taxes for 1825 and 1826. Mr. Pickett presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Ichabod Wetmore the sum of fifty dollars for his services as clerk to the committee of investigation of the Treasury department, and that the same be allowed in the settlement of the Treasurer's public account.

Which said bills and resolution were respectively read the first time and passed.

Mr. Williams, of Martin, from the committee on Divorce and Alimony, to whom was referred the petition of sundry citizens of Ashe county, made a report; which was read, when Mr. Williams, of Martin, reported a bill to secure to Jane Becknall, of Ashe county, what property she may hereafter acquire; which was read the first time and passed.

Mr. Scott, from the select committee to whom was referred the resolution instructing them to inquire into the expediency of amending the bastardy laws, made a report; which was read, and the resolution therein contained was concurred in, as follows, to wit: *Resolved*, That it is inexpedient to change the existing laws on the subject of bastardy.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Davis, of the county of Lincoln, made a report, which was read; and the resolution accompanying the said report, was read the first time and passed, as follows, to wit: *Resolved*, That John Davis, of the county of Lincoln, be, and he is hereby adopted as a pensioner of the State, at the rate of eighty four dollars per year, and that the Treasurer pay the amount to him annually, as long as he shall live, or his wants shall require it, upon an authenticated certificate allowed to him by any court of record in this State, countersigned by the Speakers of both Houses of the Legislature, and that one half of the first annuity, which would fall due twelve months hence, be paid to him or his agent at the rise of the Legislature.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate St. John's Lodge, in the county of Lenoir; a bill to regulate the sale of land and slaves, so far as respects the county of Northampton; a bill to compel the County Court of Nash to appoint a committee of Finance; a bill to alter the time of holding the County Court of Pleas and Quar-



ter Sessions in the county of Davidson; a bill prescribing the time for the sale of land and slaves within Ashe county; a bill for the better regulation of the towns of Newbern and Wilmington; a bill to encourage the destruction of Wolves within Ashe county; a bill to annex the village of Drysboro', in the county of Craven, to the town of Newbern; a bill concerning the committee of Finance of Montgomery county; a bill to incorporate Esfield Lodge, No. 88, in the county of Halifax; and a bill to repeal an act, passed in the year 1826, entitled "an act to appoint commissioners to build a new court-house in Surry, and for other purposes;" which bills were respectively read the first time and passed.

The bill to erect an Arsenal on the south-west of the public square on which the capitol stands; and the bill relative to the sale of the estate of infants, were read, the last mentioned bill the third time, and the first mentioned the second and third times, and passed, and ordered to be engrossed.

The bill to revive and continue in force certain acts of Assembly therein named, was read the second time and passed.

Received from the House of Commons, a message, proposing to ballot for trustees of the University, at the meeting of the two Houses to-morrow morning, and stating that the name of Gavin Hogg is withdrawn from the nomination, and that the names of John J. Daniel, Nicholas J. Drake, John Eccles, John C. Jaylor, William J. Alexander and Alfred M. Gatlin are added; which proposition was agreed to, and the House of Commons were informed thereof by message.

The resolution in favor of John Davis, of Lincoln county, being read the second time, Mr. Askew, of Bertie, moved to amend the resolution, by striking out in the 4th line the words "eighty four," and inserting in lieu thereof the word "sixty;" which amendment was agreed to, and the resolution, as amended, passed the second time, and was subsequently read the third time and passed, and ordered to be engrossed.

The following bills, to wit: A bill imposing an additional tax on suits in the Superior Courts of Law and Courts of Equity, and Courts of Pleas and Quarter Sessions, in the county of Duplin; a bill for the better regulation of the Court of Pleas and Quarter Sessions in the county of Robeson; a bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said company; a bill to authorise the securities of Edward Griffin, late sheriff of Martin county, to collect arrears of taxes for 1825 and 1826; a bill to secure to Jane Becknall, of Ashe county, what property she may hereafter acquire; and a bill to restore to credit Thomas Martin, of Rutherford county, were read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Davidson; and the engrossed bill making it the duty of the field officers of the second regiment of Stokes county militia to convene their regiments in the centre of the district, were read the second time and passed.

The engrossed bill to encourage the destruction of wolves within Ashe county, was read the second time and passed; and being subsequently read the third time, was, on motion of Mr. M'Millan, indefinitely postponed.

The resolution in favor of Ichabod Wetmore being read the second



time, Mr. Nuttall moved to amend the resolution, by *striking* out in the second line the word "fifty," and inserting in lieu thereof the word "thirty;" which was not agreed to. The question then recurred on the passage of the resolution the second time, and it passed in the affirmative; and was subsequently read the third time and passed, and ordered to be engrossed.

The engrossed bill to annex the village of Drysborough, in the county of Craven, to the town of Newbern, was read the second time. Mr. Spaight, of Craven, moved to amend the said bill, by *striking* out "all of the bill after the enacting clause," and *inserting* the following words, to wit: "That that part of the town of Drysborough, known as the public burial ground, be, and the same is hereby annexed to the town of Newbern;" which amendment was agreed to, and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The following engrossed bills, to wit: A bill concerning the committee of Finance in Montgomery county; a bill prescribing the time for the sale of land and slaves within Ashe county; a bill to compel the County Court of Nash to appoint a committee of Finance; a bill to incorporate St. John's Lodge, in the county of Lenoir; a bill to incorporate Enfield Lodge, No. 88, in the county of Halifax; and a bill to regulate the sale of land and slaves, so far as respects the county of Northampton, were read the second and third times and passed, and were ordered to be enrolled.

The engrossed bill to repeal an act, passed in the year 1826, entitled "An act to appoint commissioners to build a new court house in Surry, and for other purposes, being read the second time, Mr. Dobson moved to amend the said bill by *striking* out "all of the said bill" after the words "a bill," and *inserting* the amendment by him submitted; which amendment was agreed to, and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to incorporate the Gold Mining Company, with an amendment, to wit: to *strike* out all the words after the word "State" in the 19th line of the first section to its end, and to *insert* in lieu thereof the amendment herewith submitted; which amendment being read, was agreed to by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating the concurrence of that House in the two first amendments made by the Senate in the engrossed bill to incorporate the Occacock Navigation Company; but that they do not agree to the last amendment, to wit: to strike out the words "an annual" in the 17th line of the 10th section. Whereupon, on motion of Mr. Spaight, of Craven, the Senate *receded* from the said last amendment, to wit: to strike out the words "an annual," and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, proposing to ballot immediately for three persons to represent the State at the contemplated meeting of the stockholders of the Cape Fear Bank, and nominating for



the appointment, Isaac Wright, of Bladen, and Frederick J. Hill, of Wilmington; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, adding the name of Louis D. Wilson to the nomination, and naming Messrs. Burney and Askew of Bertie to conduct the ballot on the part of the Senate. Whereupon, a message was received from the House of Commons, appointing Messrs. Gary and Simpson the balloting committee on the part of that House.

Mr. Burney, from the committee, to conduct the ballot for three persons to represent the State at the contemplated meeting of the stockholders of the Cape Fear Bank, reported that Isaac Wright, Frederick Hill and Louis D. Wilson were duly elected; in which report the Senate concurred.

The bill to repeal certain acts therein named, being read the second time, Mr. Pickett moved that the said bill be indefinitely postponed, and the question being taken, it was determined in the affirmative—yeas 32, noes 24. The yeas and nays being demanded by Mr. Montgomery—

Those who voted in the affirmative, are Messrs. Alexander, Bailey, Brodnax, Burney, Deberry, Dobson, Devane, Davidson, Fuller, Hollamon, Hinton, Jones, Locke, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Eachin, Owen, Pickett, Reinhardt, Spaight of Craven, Saunderson, Scott, Shuford, Shober, Thomson, Vanhook, Williams of Beaufort, Wilson of Camden, Walton, Ward.

Those who voted in the negative, are Messrs. Askew of Hertford, Drake, Davenport, Franklin, Gray, Hurst, Harrell, Hawkins, Joiner, Mathews, M'Daniel, M'Neill, Montgomery, Nuttall, Parker, Ramsay, Riddick, Royal, Salyear, Smith, Sherard, Wilson of Edgecomb, Whitfield, Williams of Martin.

Received from the House of Commons, a message, stating that they *insist* on the amendment proposed by them to the recommendation of the representatives from Duplin, to wit: to add the name of "William Glisson." On motion of Mr. Hurst, ordered that the said message and recommendation do lie on the table.

The bill to amend an act, passed in 1825, to continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," being read the third time, Mr. Jones moved to amend the said bill by *striking* out from the word "Wilkesborough," in the 22d line of the first section, to the word "and," in the 27th line of the same section; which amendment was agreed to. Mr. Dobson moved further to amend the bill, by *striking* out the words "Thomas Hampton," in the 17th line of the first section, and *inserting* the words "Jesse Howard; which amendment was agreed to. Whereupon, on motion of Mr. Shober, ordered that the said bill do lie on the table.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### WEDNESDAY, JANUARY 2, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill imposing an additional tax on suits in the Superior Courts of Law, and Courts of Equity, and Courts of Pleas and Quarter Sessions in the county of Duplin; a bill for the better regulation of the Courts of Pleas and Quarter Sessions in the county of Robeson; a bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said compa-



ny; a bill to authorise the securities of Edward Griffin, late Sheriff of Martin county, to collect arrears of taxes for 1825 and 1826; a bill to secure to Jane Becknall, of Ashe county, what property she may hereafter acquire; a bill to restore to credit Thomas Martin, of Rutherford county; a bill to erect an arsenal on the south west of the Public Square on which the capitol stands; and a bill relative to the sale of the estates of infants; also the engrossed resolution in favor of John Davis, of Lincoln county; and the resolution in favor of Ichabod Wetmore; in which they ask the concurrence of that House.

Mr. Askew, of Bertie, presented a bill for the relief of Lewis Bond, Sheriff of Bertie.

Mr. Love, of Haywood, presented a bill to change the time of holding the Supreme Court of this State.

Mr. Hinton presented the petition of Burwell Perry, of the county of Wake, praying the Legislature to legitimate and alter the names of certain persons therein named, together with a bill to alter the names of Sidney Smith Gay and others, of the county of Wake, and to legitimate them.

Mr. Askew, of Bertie, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Stokes county, made a detailed report; which was read, and the resolution therein contained was concurred in, as follows, to wit: *Resolved*, that the prayer of the petitioner be not allowed.

Mr. Shober presented the following resolution, to wit:

*Resolved*, That the Secretary of State procure two hundred copies of the revisal of the laws of the State by Chief Justice Taylor, from the year 1821 to the year 1825, inclusive; and that they be distributed to the public offices and Clerks of the Courts, in the same manner as the original work was distributed, by an act passed in the year 1821: Provided, that they do not cost more than a dollar and fifty cents per copy, well bound.

Which was read the first time and passed.

Mr. Gray presented a bill to repeal an act of the Assembly, passed in 1820, entitled "An act directing the County Courts to pay fees to certain officers therein named, and in certain cases," so far as respects the county of Randolph; which was read the first time and passed.

Mr. Owen, from the joint select committee, to whom was referred the resolution relative to the "Woollens Bill," made a detailed report, which was read; and the question being taken on the resolutions therein contained, as follows, to wit:

*Resolved*, As the opinion of the Legislature of North-Carolina, that it is inexpedient at this time for the Congress of the United States to increase the duties on imports.

*Resolved further*, That the Governor of this State be requested to transmit copies of this report and resolutions, to each of the Senators and Representatives of this State in the Congress of the United States, with a request that they be laid before that body.

Mr. Ward moved to amend the first resolution, by striking out in the 2d and 3d lines the words "at this time;" which amendment was agreed to. The question then recurred on concurring in the said resolution, as amended, and it passed in the affirmative. Whereupon, the said report was concurred in, and the resolutions adopted by the Senate, and on motion of Mr. Wilson, of Edgecomb, a message was sent to the House of Commons, proposing to print the report and resolutions, one copy for each member of the General Assembly.

Mr. Riddick presented a resolution in favor of the door-keepers; which was read, and the question being taken on the passage thereof, it passed in the affirmative, and was ordered to be engrossed.



Mr. Davidson presented a resolution in favor of John Duckworth, which was read the first time and passed.

The bill making it the duty of the field officers of the second regiment of Stokes county militia to convene their regiment at, or within a convenient distance of the centre of their district; and the bill to revive and continue in force certain acts of Assembly therein named; also the engrossed bill to alter the time of holding the Court of Pleas and Quarter Sessions in the county of Davidson, were severally read the third time and passed, and the two first named bills were ordered to be engrossed, and the last named bill to be enrolled.

On motion of Mr. Wilson, of Edgecomb, Micajah T. Hawkins, the Senator from the county of Warren, had leave of absence from the services of the Senate, from and after yesterday, for the remainder of the session.

On motion of Mr. Nuttall, James Howze, the Senator from the county of Franklin, had leave of absence from the services of the Senate, from and after this day for the remainder of the session.

Received from the House of Commons, a message, stating that Messrs. Lewis and Burns attend the Senate to conduct the ballot on the part of that House for four trustees of the University. Whereupon, a message was sent to the House of Commons, naming Messrs. Ramsay and Burney the balloting committee on the part of the Senate.

The Senate resolved itself into a committee of the whole House, Mr. Shober in the Chair, on the bill to appropriate six thousand two hundred and thirty-two dollars, for the purpose of improving the navigation of the Cape-Fear river below the town of Wilmington, and for other purposes; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shober reported that the committee had, according to order, had the said bill under consideration, and had directed him to report an amendment thereto, to wit: to add a second section to the bill, as follows, to wit: "Be it further enacted, that the money appropriated by this act shall be paid out of the money set apart for internal improvement, as soon as the same may be available in the hands of the Treasurer; and it shall be the duty of the Board of Internal Improvements to contract, if they can, with some person or persons to complete the improvement of the navigation as heretofore contemplated, for the aforesaid sum, with the use of the Dredging Machine, if such contract shall be made, and the said Board shall take bond with ample security, payable to the Governor and his successor for the faithful performance of the same, and if the contractor shall fail to complete said improvement agreeable to his contract, then and in that case the Board shall contract, if they can, with some other person to finish the work, and the former contractor and his securities shall be held liable, to pay such sum of money as will be necessary to complete said navigation;" and the question being taken on concurring in said amendment, it passed in the affirmative. The question then recurred on the passage of the bill, as amended, the second time, and it passed in the affirmative; and being subsequently read the third time, and the question taken on the passage thereof, it was determined in the affirmative—Yeas 36, nays 21. The yeas & nays being demanded by Mr. Askew, of Bertie—

Those who voted in the affirmative, are Messrs. Askew of Hertford, Alexander,



Bethune, Bailey, Brodnax, Burney, Deberry, Dobson, Devane, Fuller, Hurst, Hollamon, Hinton, Joiner, Jones, Locke, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Daniel, M'Eachin, Owen, Pickett, Ramsay, Reinhardt, Royal, Spaight, Craven, Smith, Saunderson, Scott, Shoher, Thomson, Vanhook, Williams of Beaufort, Ward.

Those who voted in the negative, are Messrs. Askew of Bertie, Beasley, Drake, Davenport, Davidson, Franklin, Gray, Harrell, Matthews, M'Neill, Montgomery, Nuttall, Parker, Riddick, Salyear, Shuford, Sherard, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin.

Mr. Burney, from the committee to conduct the ballot for four trustees of the University, reported that William J. Alexander, William Robards and Nicholas J. Drake were duly elected, and that no other person in nomination had a majority of votes; in which report the Senate concurred.

Received from the House of Commons the report of the joint select committee on the "woollens bill," endorsed in that House "read and concurred in."

The resolution relative to Taylor's revisal being read the second time, Mr. Pickett moved to amend the resolution, by *striking* out in the last line thereof, the words "fifty cents." Mr. Nuttall moved the indefinite postponement of the resolution, together with the amendment. Mr. Shoher moved that the resolution lie on the table; which was not agreed to, and the question on the indefinite postponement thereof being taken, it was determined in the affirmative.

The bill to repeal an act of the Assembly, passed in 1820, entitled "an act directing the County Courts to pay fees to certain officers therein named, and in certain cases," so far as respects the county of Randolph; and the bill to alter the names of Sidney Smith Gay and others, of the county of Wake, and to legitimate them; also the bill for the relief of Lewis Bond, sheriff of Bertie, were read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, proposing to ballot at the meeting of the two Houses to-morrow for a Brigadier General of the second brigade, to supply the vacancy occasioned by the resignation of General Jesse Speight, and nominating for the appointment Col. John J. Pasteur and Thomas Marshall; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills; in which they ask the concurrence of the Senate, to wit: A bill to establish the county of Macon; a bill for the protection of securities, and for other purposes; a bill to provide for the draining of Mattamuskeet lake; a bill supplementary to the several acts now in force for the relief of insolvent debtors; a bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State relating to the infantry," and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "an act to amend the militia laws of this State;" and a bill respecting certain reservations claimed by Indians in the lands lately acquired by treaty from the Cherokee Indians; which were read the first time and passed; also the engrossed bills, to wit: A bill to incorporate the "Henrietta Steamboat Company," in the town of Fayetteville; a bill prescribing the time at which county trustees for the county of Randolph shall be elected and make their settlement; a bill for the



more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Sampson; a bill making it the duty of Major Generals to review the first regiment of Edgecomb militia at their usual regimental muster ground; and a bill to repeal an act, passed in the year 1824, entitled "An act to alter the place of holding general musters in Washington county;" which were read the first, second and third times and passed, and ordered to be engrossed; also the engrossed bill prescribing the manner in which lands shall be hereafter advertised for sale for taxes in the county of Anson; which was read the first time and passed; and the said bill being read the second time, Mr. Dobson moved to amend the bill, by inserting in the 6th line of the bill, after the word "Anson," the words "and Surry," and to amend the bill and the title thereof to correspond therewith; which amendment was agreed to, and the bill, as amended, was read the second time and passed; and being subsequently read the third time, Mr. Pickett moved to amend the bill in the 11th line, by *striking* out the words "one month," and *inserting* "forty days; which amendment was agreed to, and the bill, as amended, was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to exempt from certain public duties the keeper of the poor house in the county of Stokes, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Pickett,

*Resolved*, That the Public Treasurer demand and receive of Benjamin A. Barham a transfer of thirty shares of the Capital Stock of the Newbern Bank, which the said Barham sold to the late Treasurer of this State; and also the dividends due, or which have been received by the said Barham, and not paid to the late Treasurer since the purchase.

*Resolved further*, That the said Treasurer proceed to the collection of all debts owing to the State, either by judgment, bond, or otherwise, for the sale of the public lands near the city of Raleigh; and that he make a report of the amount of such debts, and the sum collected therefrom, to the next General Assembly.

Ordered that the said resolution be engrossed.

The resolution in favor of John Duckworth, was read the second time and passed.

Received from the House of Commons, a communication from the Governor, transmitting to the Legislature the account of Governor Burton, while acting, *ex-officio*, as guardian of James Forsyth, with the accompanying vouchers, and sundry resignations of militia officers and justices of the peace; which being read, ordered that the communication be laid on the table.

Mr. Alexander moved that the Senate reconsider the vote taken yesterday on the second reading of the bill to repeal certain acts therein named; and the question, will the Senate reconsider the said vote? being taken, it was determined in the negative.

Received from the House of Commons, the following resignations, to wit: the resignation of James Howze, as a justice of the peace for the county of Franklin; the resignation of John Clement, as a justice of the peace for the county of Rowan; and the resignation of Calvin R. Blackman, as Major of the first regiment of Wayne militia; which were read and accepted by the Senate.

Mr. Vanhook presented the resignation of Miles Wells, as a justice of the peace for the county of Person; which was read and accepted and sent to the House of Commons.

And then the Senate adjourned until to-morrow, 10 o'clock.



THURSDAY, JANUARY 3, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill making it the duty of the field officers of the second regiment of Stokes county militia to convene their regiment at, or within a convenient distance of the centre of their district; a bill to revive and continue in force certain acts of Assembly therein named; a bill to repeal an act of the Assembly, passed in 1820, entitled "an act directing the County Courts to pay fees to certain officers therein named, and in certain cases," so far as respects the county of Randolph; a bill to alter the names of Sidney Smith Gay and others, of the county of Wake, and to legitimate them; and a bill for the relief of Lewis Bond, sheriff of Bertie; also the engrossed resolution in favor of the door keepers; and the resolutions relative to the Public Treasurer; in which they ask the concurrence of that House.

The following bills were presented, to wit: By Mr. Burgin, a bill to amend an act, passed in the year 1822, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government;" by Mr. Davenport, a bill concerning the wardens of the poor for the county of Washington; by Mr. Spaight, of Craven, a bill to empower the overseer of bridges in the county of Craven to make contracts for the repairing or rebuilding of the same, and for other purposes; and by Mr. Owen, a bill to authorise the commissioners therein named to purchase a site for a new court-house in the county of Bladen, and for other purposes; which were severally read the first time and passed.

Mr. Williams, of Martin, presented a resolution in favor of Edward Griffin, late sheriff of Martin county; which was read the first time and passed.

The resolution in favor of John Duckworth, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Love, of Haywood, a message was sent to the House of Commons, stating that Messrs. Beasley and Askew, of Bertie, attend that House to conduct the ballot for Brigadier General of the 2d brigade. Whereupon, a message was received from that House, naming Messrs. Hardy and Smith the balloting committee on their part.

Mr. Askew, of Bertie, from the committee to conduct the ballot for a Brigadier General of the 2d brigade, reported that no person in nomination had received a majority of votes.

Received from the House of Commons, a message, proposing to ballot immediately for a trustee of the University, and withdrawing the names of John J. Daniel, John C. Taylor and Alfred M. Gatlin; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and naming Messrs. Davenport and M'Neill to conduct the ballot on their part. Whereupon, a message was received from the House of Commons, stating that Messrs. Scott and Bynum attend the Senate as the balloting committee on the part of the House of Commons.

On motion of Mr. Drake, a message was sent to the House of Commons, proposing to ballot again immediately for a Brigadier General of the 2d brigade. Whereupon, a message was received from that House, agreeing to the proposition of the Senate, and appointing Messrs. White and Gordon superintendents on their part, and a message was sent to



the House of Commons, naming Messrs. Askew of Bertie, and Love of Richmond, as the balloting committee on the part of the Senate.

Mr. M'Neill, from the committee to conduct the ballot for a trustee of the University, reported that no person in nomination had received a majority of votes.

On motion of Mr. Williams, of Martin, a message was sent to the House of Commons, proposing to ballot again immediately for a trustee of the University.

The engrossed bill to subject bail to costs, was, on motion of Mr. Pickett, considered by the Senate, and the said bill was read the third time and passed, and ordered to be enrolled.

The engrossed bill for the better regulation of the towns of Newbern and Wilmington, being read the second time, Mr. Ward moved to amend the bill, by *inserting* at the end of the first section *a proviso*, as follows, to wit: "Provided nothing herein contained shall be so construed as to permit said slaves to work on the land, or to work at any employment, except to work in boats owned on said river by white persons, and to assist in loading and unloading said boats;" which amendment was agreed to, and the bill, as amended, was read the second time and passed, and being read the third time, on motion of Mr. Dobson, ordered that the bill do lie on the table.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to amend an act, passed in the year 1777, entitled "an act to establish Courts of Law and regulate the proceedings therein, with sundry amendments, in which they ask the concurrence of the Senate; and the said amendments being read, were severally concurred in by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to add all that part of the second regiment of the militia of Burke county, lying south of the Catawba river in said county, to the first regiment, with an amendment, in which they ask the concurrence of the Senate; and the said amendment being read, Mr. Burgin moved to amend the amendment, by striking out in the 10th line of the amendment the word "eighty," and inserting the words "sixty-four;" which amendment was agreed to. The question then recurred on concurring in the amendment, as amended, and it passed in the affirmative, and a message was sent to the House of Commons, stating the agreement of the Senate to the amendment, as amended, and asking their concurrence in the amendment.

The engrossed bill supplementary to the several acts now in force for the relief of insolvent debtors, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Bailey, the Senate considered the resolution relative to the Library room; and the resolution being read, Mr. Owen moved to amend the resolution, by striking out *all the resolution* after the word "resolved," and inserting the amendment by him submitted. Mr. Williams, of Martin, moved that the resolution, together with the amendment proposed, be indefinitely postponed, and the question being taken, it was determined in the affirmative.

Mr. Askew, of Bertie, from the committee to conduct the ballot for



Brigadier General of the 2d brigade, reported that Thomas Marshall was duly elected; in which report the Senate concurred.

The engrossed bill for the protection of securities and for other purposes, was read the second time and passed, and being read the third time, Mr. Ward moved to amend the bill by adding an additional as the second section, as follows, to wit: "And be it further enacted, that upon all contracts where there shall be a security or securities, the suit which may be brought thereon, shall be brought against the principal debtor and securites;" when, on motion of Mr. Drake, ordered that the said bill be laid on the table

Received from the House of Commons, a message, stating that they agree to the amendment made by the Senate in the engrossed bill to repeal an act, passed in the year 1826, entitled "an act to appoint commissioners to build a new court-house in Surry, and for other purposes," with this exception, strike out the word "commissioners," in the 2d line of the 2d section, and insert "County Court, a majority of the justices of said county being present." The amendment being read, Mr. Dobson moved to amend the amendment, by inserting at the end of the 2d section, *a proviso*, as follows, to wit: "Provided nevertheless, that should the County Court fail at February and May term ensuing, to point out a site, then and in that case it shall be the duty of the commissioners, or a majority of them, to select one, agreeable to the provisions of this act, and proceed to build;" which amendment to the amendment was agreed to. The question then recurred on concurring in the amendment, as amended, and it passed in the affirmative, and a message was sent to the House of Commons, asking their concurrence in the amendment to the amendment.

Received from the House of Commons, a message, stating their agreement in the amendment made by the Senate, in the engrossed bill to annex the village of Drysboro', in the county of Craven, to the town of Newbern. Whereupon the bill was ordered to be enrolled.

A message was received from the House of Commons, stating that they have rejected the engrossed bill to restore to credit Thomas Martin, of Rutherford county, and that they have indefinitely postponed the bill imposing an additional tax on suits in the Superior Courts of Law, and Courts of Equity and Courts of Pleas and Quarter Sessions in the county of Duplin; also a further message, stating that they have rejected the engrossed bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said company.

Received from the House of Commons, a message, agreeing to ballot immediately for a trustee of the University, appointing Messrs. W. H. Jones and W. W. Stedman superintendents on their part, and withdrawing the name of Mr. Eccles. Thereupon, a message was sent to that House, naming Messrs. Ramsay and Askew, of Hertford, to conduct the ballot on the part of the Senate.

Mr. Askew, of Hertford, from the committee to conduct the ballot for a trustee of the University, reported that Emanuel Shober was duly elected; in which report the Senate concurred.

The engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State relative to the infantry," and to repeal the 9th and 10th sections of an



act, passed in the year 1813, entitled "an act to amend the militia laws of this State," was read the second time and passed.

The engrossed bill respecting certain reservations claimed by Indians in the lands lately acquired by treaty from the Cherokee Indians, was read the second time. Mr. Mathews moved to amend the bill by striking out the word "four," in the third line of the last section, and inserting the word "three;" which amendment was agreed to, and the bill read, as amended, the second time and passed, and being read the third time, was, on motion of Mr. Montgomery, ordered to lie on the table.

Received from the House of Commons, the following engrossed bills, to wit: A bill altering the time of holding the elections in the counties of Warren, Nash and Franklin; a bill to alter the name of John M. Williams, of Edgecomb county, and to legitimate him; a bill making it the duty of sheriffs, coroners and constables to serve all notices required to be given in process at law or in Equity; a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to amend the 4th section of an act, passed in the year 1804;" a bill directing what construction shall be given to contingent executory limitations; a bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters; a bill to authorise Isaac T. Avery to establish a turnpike road in the county of Burke; a bill to reduce the number of petty musters to two in a year; a bill for the relief of Samuel Carter and Solomon Carter; and a bill prescribing the duty of the committee of Finance; also the engrossed resolution in favor of Giles Johnston; and the resolution directing the Public Treasurer to pay H. Gorman fourteen dollars and fifty cents; in which they ask the concurrence of the Senate.

The bill to establish the county of Macon, was read the second time, and the question being taken on the passage thereof, it was determined in the negative—yeas 29, nays 30. The yeas and nays being demanded by Mr. Wilson, of Edgecomb—

Those who voted in the affirmative, are Messrs. Alexander, Burgin, Bethune, Brodnax, Burney, Deberry, Dobson, Davidson, Franklin, Gray, Hollamon, Jones, Love of Haywood, Love of Richmond, M'Millan, M'Dowell, M'Neill, Montgomery, M'Eachin, Owen, Pickett, Parker, Ramsay, Reinhardt, Smith, Scott, Shuford, Shober, Vanhook.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Beasley, Drake, Davenport, Devane, Fuller, Hurst, Harrell, Hinton, Joiner, Locke, Mathews, M'Daniel, Nuttall, Riddick, Royal, Spaight of Craven, Salyear, Saunderson, Sherard, Thomson, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Whitfield, Williams of Martin, Ward.

Mr. Hinton asked and obtained leave to withdraw the petition of Washington Price, of the county of Wake.

Mr. Williams, of Martin, from the committee of Divorce and Alimony, to whom was referred the following petitions, to wit: the petition of Edward S. Pugh, of Camden county; the petition of Amy Gilmore, of Orange county; the petition of Benjamin Warson, of Buncombe county; the petition of Sally Flowers, of the county of Craven; the petition of Mary Layfong, of Haywood county; the petition of Rachael Hamblet, of Chatham county; and the petition of Samuel I. Edney, of the county of Buncombe; asked and obtained leave to be discharged from the further consideration of said petitions. Ordered that the petitioners have leave to withdraw their petitions and documents.

And then the Senate adjourned until to-morrow, 10 o'clock.



FRIDAY, JANUARY 4, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution in favor of John Duckworth; in which they ask the concurrence of that House.

On motion of Mr. Wilson, of Edgecomb, a message was sent to the House of Commons, proposing to ballot immediately for cavalry officers attached to the 5th brigade.

Received from the House of Commons, a message, proposing to ballot immediately for Cavalry Officers of the 15th brigade, and nominating Benjamin Brittain for Colonel Commandant, William M'Gimsey for Lieutenant Colonel, and Benjamin Richardson for Major; which proposition was agreed to; and a message sent, informing the House of Commons of the agreement, and naming Messrs. Nuttall and Montgomery to conduct the ballot on the part of the Senate. Whereupon, a message was received from that House, naming Messrs. Alexander and Newland to conduct the ballot on their part.

The bill to empower the overseer of bridges in the county of Craven to make contracts for the repairing or rebuilding of the same, and for other purposes; and the bill to authorise the commissioners therein named to purchase a site for a new court house in the county of Bladen, and for other purposes, were read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Pickett,

*Resolved by the Senate and House of Commons*, That the conveyances and powers of attorney from the widow, devisees and executor of the late John Haywood, taken by the Attorney General of this State, in pursuance of a resolution of the two Houses, be filed with the Treasurer of this State; and that he cause them to be duly proven and registered; and that he furnish the persons appointed to superintend the sale of the property conveyed, either with copies or the original conveyances, as they may prefer; and that he also cause the Bank Stock transferred in the powers of attorney, to be transferred as soon as may be convenient for him to do it; and that he draw the money mentioned in the other power of attorney, and hold the same as Public Treasurer.

And the resolution sent to the House of Commons for their concurrence.

Mr. Nuttall, from the committee to conduct the ballot for Cavalry Officers attached to the 15th brigade, reported that Benjamin Brittain was elected Colonel, William M'Gimsey for Lieutenant Colonel, and Benjamin Richardson, Major; in which report the Senate concurred.

Received from the House of Commons, a message, stating that they do not agree to ballot for Cavalry Officers attached to the 5th brigade.

The bill concerning the wardens of the poor for the county of Washington, being read the second time, was, on motion of Mr. Gray, amended, by *inserting* the word "Randolph," after the word "Washington," in the 12th line of the bill; and the bill as amended, was read the second time and passed, and being read the third time, was, on the respective motions of Mr. Smith, Mr. Wilson of Camden, Mr. Reinhardt and Mr. Hinton, amended, by the *insertion* of the words "Davidson, Camden, Lincoln and Wake," after the word *Randolph*, in the 12th line, and its provisions and title amended to correspond thereto; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The resolution in favor of Edward Griffin, late sheriff of Martin coun-



ty, was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, from the committee of Propositions and Grievances, to whom was referred petitions from the counties of Surry, Davidson, Stokes, Randolph, Montgomery and Perquimons, praying for the passage of a law prohibiting the further introduction of slaves into this State, made a report, which was read, and the resolution therein contained was concurred in by the Senate, as follows, to wit: *Resolved*, That it is inexpedient to pass a law, prohibiting the introduction of slaves into this State.

The engrossed bill to prevent the obstruction of fish, passing up the Roanoke and Cashie rivers, and their waters, was read the second time. Mr. Askew, of Bertie, moved the indefinite postponement of the bill, and the question being taken, it was determined in the negative. The question then recurred on the passage of the bill the second time, and it passed in the affirmative, and was subsequently read the third time and passed, and ordered to be enrolled.

The engrossed bill to authorise Isaac T. Avery to establish a Turnpike road in the county of Burke, was read the second time. Mr. M'Dowell moved to amend the bill by *striking* out the words "seventy-five cents," and inserting "one dollar," in the 20th line of the 4th section; which amendment was agreed to, and the bill, as amended, was read the second time and passed; and was subsequently read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bills, to wit: A bill to alter the name of John M. Williams, of Edgecomb county, and to legitimate him; and a bill making it the duty of sheriffs, coroners and constables to serve all notices required to be given in process at law or in Equity; also the engrossed resolution directing the Public Treasurer to pay H. Gorman fourteen dollars and fifty cents, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill prescribing the duty of the committee of Finance, was read the second and third times and passed, and ordered to be enrolled.

The bill to change the time of holding the Supreme Court of this State, was read the second and third times and passed, and ordered to be engrossed.

The engrossed resolution in relation to the Library room, was read the first time, and the question being taken on the passage thereof, it was determined in the negative.

The engrossed bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to alter an act, entitled 'an act to amend the 4th section of an act, passed in the year 1804,'" was read the second time and passed, and being read the third time, Mr. M'Millan moved to amend the bill by adding at the end thereof, the following words, to wit: "And that this act shall be in force from and after the ratification thereof;" which amendment was agreed to, and the bill as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill for the relief of Samuel Carter and Solomon Carter,



was read the second time and passed, and, on motion of Mr. M'Millan, ordered that the said bill do lie on the table.

The engrossed bill directing what construction shall be given to contingent executory limitations, was read the second time, and the question being taken on the passage thereof, it was determined in the negative.

The bill to amend an act, passed in the year 1822, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of Government, being read the second time, Mr. Thomson moved that the said bill be indefinitely postponed, and the question being taken, it passed in the affirmative.

The engrossed bill to reduce the number of petty musters to two in a year, was read the second time. Mr. Williams, of Martin, moved that the said bill be indefinitely postponed, and the question being taken, there were 25 ayes and 25 noes. There being an equal number of votes for and against the motion, Mr. Speaker voted in the negative, and the Senate determined that the said bill shall not be indefinitely postponed. The question then recurred on the passage of the bill the second time, and it passed in the affirmative, and was read the third time and passed, and ordered to be enrolled.

The engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State relative to the infantry," and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "an act to amend the militia laws of this State," being read the third time, and the question taken on the passage thereof, it was determined in the negative.

Received from the House of Commons, the resolution relative to the conveyances and powers of attorney from the widow, devisees and executor of the late John Haywood, taken by the Attorney General of this State, in pursuance of a resolution of the two Houses, endorsed in that House "read and concurred in."

Received from the House of Commons, a message, stating that they have rejected the engrossed bill making it the duty of the field officers of the second regiment of Stokes county militia to convene their regiment in the centre of the district.

Received also from that House, a message, stating their concurrence in the several amendments made in the Senate to the engrossed bill, to wit: a bill to appropriate \$6,232 for the purpose of improving the navigation of the Cape Fear river below the town of Wilmington, and for other purposes; and the bill prescribing the manner in which lands shall hereafter be advertised for sale for taxes in the county of Anson.

A message was received from the House of Commons, stating that they have passed the engrossed bill to regulate the payment of the salary of the Public Printer, and to prescribe the manner in which printing shall hereafter be done for the Departments of this State, and for the preservation of the public buildings, with sundry amendments, in which they ask the concurrence of the Senate; which amendments being read, were agreed to by the Senate, and the House of Commons informed thereof by message.

A message was also received from that House, stating that they have passed the engrossed bill to erect an arsenal on the south west of the Pub-



lic Square on which the capitol stands, with an amendment, to wit: add the words "of good and substantial brick or stone" after the word "arsenal," in the 8th line of the 1st section; in which they ask the concurrence of the Senate; and the amendment being read, was agreed to by the Senate, and the House of Commons informed thereof by message.

A further message was received from the House of Commons, stating that they have passed the engrossed bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage, with an amendment, to wit: to strike out the whole of said bill, after the word "bill," and *insert* the amendment herewith submitted; also to strike out "repeal," in the *title* of the bill, and *insert* "amend," in which they ask the concurrence of the Senate; and the amendments being read, were severally agreed to, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: a bill to amend an act, passed in the year 1820, entitled "an act laying duties on sales at auction; and a bill to cede to the United States a point of marsh on the south side of Neuse river, for the purpose of erecting thereon a light-house; also the engrossed resolution in favor of Giles Johnston; and a resolution in favor of Matthew Pridgen, in which they ask the concurrence of the Senate; which bills were read the first time and passed; also the resolution in favor of Giles Johnston, which was subsequently read the second and third times and passed; and the resolution in favor of Matthew Pridgen, was read and agreed to, and both resolutions were ordered to be enrolled.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to alter the name of Sidney Smith Gay and others, of the county of Wake.

The engrossed bill to provide for the draining of Mattamuskeet Lake, was read the second time. Mr. Drake moved that the Senate now resolve itself into a committee of the whole House on said bill; which was not agreed to. Mr. Alexander moved to strike out the first section of the bill, and the question being taken, it was determined in the affirmative—yeas 41, noes 17. The yeas and nays being demanded by Mr. Williams, of Martin—

Those who voted in the affirmative, are Messrs. Askew of Hertford, Alexander, Burgin, Burney, Deberry, Drake, Dobson, Devane, Davidson, Franklin, Gray, Hurst, Harrell, Hinton, Joiner, Jones, Love of Richmond, M'Millan, M'Dowell, Mathews, M'Daniel, M'Neill, Montgomery, M'Eachin, Nuttall, Pickett, Parker, Ramsay, Reinhardt, Riddick, Royal, Smith, Scott, Shuford, Shober, Sherard, Thomson, Vanhook, Walton, Wilson of Edgecomb, Williams of Martin.

Those who voted in the negative, are Messrs. Askew of Bertie, Bethune, Bailey, Beasley, Brodnax, Davenport, Fuller, Hollamon, Locke, Love of Haywood, Owen, Spaight of Craven, Salyear, Saunderson, Williams of Beaufort, Wilson of Camden, Ward.

Whereupon, on motion of Mr. Montgomery, the further consideration of the bill was indefinitely postponed.

And then the Senate adjourned until to-morrow, 10 o'clock.

#### — SATURDAY, JANUARY 5, 1828. —

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the commissioners herein named to purchase a site for a new Court House in



the county of Bladen, and for other purposes; a bill to empower the overseers of bridges in the county of Craven to make contracts for the repairing or rebuilding of the same, and for other purposes; a bill to change the time of holding the Supreme Court of this State; and a bill concerning the wardens of the poor for the counties of Washington, Randolph, Davidson, Camden, Lincoln and Wake; also the engrossed resolution in favor of Edward Griffin, late sheriff of Martin county; in which they ask the concurrence of the Senate.

Mr. Shober, from the joint select committee, to whom it was referred to inquire into the expediency of establishing a Penitentiary in connexion with an Asylum for idiots and lunatics, made a detailed report, which was read, and the resolution accompanying the report was read the first time and passed, as follows, to wit: "*Resolved*, That the Governor be requested to obtain and report to the next Legislature the most approved plan for a Penitentiary, separately and in connexion with an Asylum for idiots and lunatics, setting forth the best system of discipline for such an institution, with the amount of the probable cost, and setting forth from the best attainable information, whether two institutions of the kind in question can with advantage be connected."

Received from the House of Commons, a message, stating that they do not agree to the amendment proposed by the Senate to the amendment made by the House of Commons, in the bill to repeal an act, passed in the year 1826, entitled "an act to appoint commissioners to build a new court house in Surry, and for other purposes." Whereupon, on motion of Mr. Dobson, a message was sent to the House of Commons, *insisting* on the amendment made by the Senate to the amendments proposed by that House in the said bill, to wit: "*Provided nevertheless* that should the County Court fail at February or May term ensuing, to point out a site, then and in that case it shall be the duty of the commissioners, or a majority of them, to select one agreeable to the provisions of this act, and proceed to build."

Received also from the House of Commons, a message, stating their concurrence in the amendment made in the Senate in the bill to add that part of the 2d regiment of militia of Burke county, lying south of the Catawba river, in said county, to the first regiment, and the said bill was ordered to be enrolled.

Received from the House of Commons, the recommendation for justices of the peace for Johnston county, signed by one of the members of that House from said county. Mr. Thomson moved to strike out the names of Reuben Hobby and Josiah Adams; which was agreed to. Mr. Pickett moved to strike out the name of Right H. Adams; which was agreed to, and the recommendation returned to the House of Commons, with a message, asking their concurrence in the amendments.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to revive and continue in force certain acts of Assembly therein named, with sundry amendments; in which they ask the concurrence of the Senate; which being read, Mr. Harrell moved to amend the proviso, proposed to be inserted at the end of the bill by the House of Commons, by inserting the words "and road," in the said proviso, after the word "canal;" which was agreed to. The question then recurred on the amendment, as amended, and the question being



taken, it was agreed to; and the question being taken on the second amendment proposed by the House of Commons, it was agreed to, and the House of Commons were informed thereof by message, and asking their concurrence in the amendment to the amendment.

A further message was received from the House of Commons, informing that they have passed the engrossed bill for the relief of Clerks of Courts and Clerks and Masters in Equity, with an amendment, to wit: strike out the word "January," in the 15th line, and insert "March;" and stating further that they have passed the engrossed bill supplementary to the acts relative to the power of Courts of Equity in cases of partition, with an amendment, to wit: strike out the word "discretion," in the 14th line, and insert the word "direction;" in which they ask the concurrence of the Senate; and the said amendments being read, were respectively agreed to, and the House of Commons informed thereof by message.

A message was received from the House of Commons, stating their agreement to the amendments made by the Senate in the engrossed bill, supplemental to an act, passed at the present session of the General Assembly, entitled "an act to amend the fourth section of an act, passed in the year 1804;" also their agreement to the amendment made by the Senate in the engrossed bill to authorise Isaac T. Avery to establish a Turnpike road in the county of Burke. Whereupon the said bills were ordered to be enrolled.

On motion of Mr. M'Millan, the Senate considered the engrossed bill for the relief of Samuel Carter and Solomon Carter, when Mr. M'Millan moved to amend the bill by inserting an additional section by him submitted; which was agreed to. Mr. M'Millan moved further to strike out the words of the title of the bill from the word "of," and insert the words "sundry citizens of the counties of Buncombe and Ashe;" which amendment was agreed to, and a message was sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Dobson, the Senate proceeded to consider the engrossed bill for the better regulation of the towns of Newbern and Wilmington; and the said bill being read the third time, was passed, and a message sent to the House of Commons asking their concurrence in the amendment made on the second reading of the bill.

The engrossed bill to cede to the United States a point of Marsh on the south side of Neuse river, for the purpose of erecting thereon a light house, and the engrossed bill to amend an act, passed in the year 1820, entitled "an act laying duties on sales at auction," were read the second and third times and passed, and ordered to be enrolled.

Mr. Bailey moved that the Senate reconsider the vote taken yesterday on the second reading of the bill, directing what construction shall be given to contingent executory limitations, and the question will the Senate reconsider the said vote, passed in the affirmative, and the bill was read the second time and passed.

The Senate proceeded to consider the report of the committee of Claims on the petition of John B. Ogg; and the said report being read, the resolution therein contained was concurred in as follows, to wit: *Resolved*, that the prayer of the petitioner be not allowed.

On motion of Mr. Owen,



*Resolved*, That the account of Hutchins G. Burton, late Governor, as guardian *ex officio* of James Forsythe, be approved by the General Assembly.

And the resolution was sent to the House of Commons for concurrence.

A message was received from the Governor, by Mr. Campbell, his Secretary, transmitting the annual report of the President and Directors of the Literary Fund; which being read, Mr. Shober moved that the message be printed, one copy for each member. Mr. Hinton moved to amend the motion, by proposing five copies. The question was first taken on the proposition to print; which was agreed to. The question then recurred on the proposition to print five copies for each member; which was not agreed to. Mr. Alexander moved that three copies be printed for each member; which proposition was agreed to, and a message sent to the House of Commons, asking their concurrence in the proposition.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill concerning the appointment of a keeper of the State House, and for the preservation of the Statue of Washington; a bill to amend an act, passed in the year 1826, entitled "an act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians;" a bill to continue in force an act, passed in the year 1823, entitled "an act directing a Geological and Minerological survey to be made of the State of North-Carolina;" a bill concerning the entry of lands now covered by the waters of any of the lakes of this State; a bill in addition to the acts relative to weights and measures; a bill concerning the tax to be paid by persons peddling on certain waters; and a bill supplemental to an act for the improvement of the navigation of Perquimons river above Newby's bridge; and a resolution concerning the Adjutant General; which bills were severally read the first time and passed, and the resolution concerning the Adjutant General was read the first time, and the question being taken on its passage, it was determined in the negative.

The engrossed bill to continue in force an act, passed in the year 1823, entitled "an act directing a Geological and Minerological Survey to be made of the State of North-Carolina," was read the second and third times and passed, and ordered to enrolled.

The engrossed bill concerning the tax to be paid by persons peddling on certain waters, was read the second time and passed.

On motion of Mr. Shober, the Senate proceeded to consider the bill to amend an act, passed in the year 1825, to continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough." Mr. Shober moved to amend the bill, by inserting a proviso, at the end of the 3d section, to wit: "Provided that nothing shall be done towards laying off and opening the road in the counties of Surry and Stokes, so as to render said counties liable to any expenses, and its citizens to work and labour, unless a majority of the acting justices of the peace of said counties in court assembled shall then assent thereto." Mr. Dobson moved that the bill, together with the amendment, be indefinitely postponed, and the question being taken, it was determined in the affirmative.

Received from the House of Commons, a message, proposing to ballot



this morning for cavalry officers of the 16th brigade and 3d division, and nominating Elijah Hester as Colonel, Samuel Mitchell as Lieut. Colonel, and James W. Jones as Major; which proposition was agreed to, and a message sent to the House of Commons, stating that Messrs. Vanhook and Nuttall attend the Commons to conduct the ballot on the part of the Senate. Whereupon, a message was received from the House of Commons, naming Messrs. Donoho and H. C. Jones to superintend the ballot on the part of that House.

Mr. Vanhook, from the committee to conduct the ballot for cavalry officers of the 16th brigade and 3d division, reported that Elijah Hester was elected Colonel, Samuel Mitchell, Lieut. Colonel, and James W. Jones, Major; in which report the Senate concurred.

The resolution relative to making inquiries into the expediency of erecting a Penitentiary, was read the second time and passed, and being read the third time, and the question taken on the passage thereof, it passed in the affirmative—ayes 27, noes 21. The ayes and noes being demanded by Mr. Nuttall—

Those who voted in the affirmative, are Messrs. Askew of Hertford, Bethune, Brodnax, Dobson, Devane, Davidson, Fuller, Franklin, Gray, Hollamon, Hinton, Locke, Love of Haywood, M'Millan, M'Dowell, Bailey, Beasley, M'Neill, Montgomery, M'Eachin, Owen, Pickett, Parker, Scott, Shuford, Shober, Thomson.

Those who voted in the negative, are Messrs. Alexander, Deberry, Drake, Hurst, Harrell, Joiner, Love of Richmond, M'Daniel, Nuttall, Riddick, Royal, Spaight of Craven, Salyear, Saunderson, Sherard, Vanhook, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb, Ward.

And the resolution was sent to the House of Commons for concurrence.

On motion of Mr. Parker, the Senate proceeded to consider the resolution relative to Miss Udaey M. Blakely, and the resolution being read the second time, and the question taken on the passage thereof, it was determined in the negative—ayes 15, noes 36. The ayes and noes being demanded by Mr. Parker—

Those who voted in the affirmative, are Messrs. Burgin, Dobson, Davenport, Devane, Gray, Joiner, Locke, Love of Haywood, M'Daniel, Montgomery, Parker, Ramsay, Smith, Saunderson, Walton.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Alexander, Bethune, Bailey, Beasley, Brodnax, Burney, Deberry, Davidson, Fuller, Franklin, Hurst, Hinton, Jones, Love of Richmond, M'Millan, M'Dowell, M'Neill, M'Eachin, Nuttall, Owen, Pickett, Riddick, Royal, Spaight of Craven, Scott, Shuford, Shober, Sherard, Thomson, Vanhook, Williams of Beaufort, Wilson of Camden, Wilson of Edgecomb, Ward.

Mr. Speaker presented a communication from Bennet T. Blake, asking, in the name of sundry citizens of Raleigh, the use of the Senate Chamber for the next annual conference of the members of the Methodist Episcopal Church of Virginia and North-Carolina. Whereupon, on motion of Mr. Pickett, *Resolved unanimously*, that the person having the care of the capitol permit the ministers of the Methodist Episcopal Church of Virginia and North-Carolina to hold their conference in the Senate Chamber at the session appointed to be held in the city of Raleigh, on the 27th February next.

On motion of Mr. Love, of Haywood, the Senate considered the bill respecting certain Indian reservations claimed by Indians, in the lands lately acquired by treaty from the Cherokee Indians; and the bill being read the third time, Mr. Love, of Haywood, moved to amend the bill, by striking out the word "three," in the third line of the last section, and inserting the word "four;" which was agreed to. Mr. Gray moved to



amend the bill, by *striking out all* of the bill after the word bill, and inserting the amendment by him submitted. Mr. Ward moved for the indefinite postponement of the bill, together with the amendment, and the question being taken, it was determined in the negative—ayes 9, noes 39. The ayes and nays being demanded by Mr. Ward—

Those who voted in the affirmative, are Messrs. Askew of Hertford, Franklin, Gray, Hurst, M'Neill, Montgomery, Parker, Royal, Ward.

Those who voted in the negative, are Messrs. Askew of Bertie, Alexander, Bethune, Bailey, Beasley, Brodnax, Burney, Deberry, Drake, Dobson, Devane, Davidson, Fuller, Harrell, Hinton, Joiner, Locke, Love of Haywood, Love of Richmond, M'Dowell, M'Daniel, M'Millan, M'Eachin, Nuttall, Pickett, Ramsay, Riddick, Spaight of Craven, Salyear, Saunderson, Shuford, Shober, Sherard, Thomson, Vanhook, Williams of Beaufort, Wilson of Camden, Walton, Wilson of Edgecomb.

The question then recurred on the amendment submitted by Mr. Gray; which was not agreed to, and the bill passed the third time, and was ordered to be enrolled.

Mr. Saunderson asked and obtained leave to withdraw the documents accompanying the bill to drain Mattamuskeet lake.

On motion of Mr. Shober, Gabriel Sherard, the Senator from the county of Wayne, had leave of absence from the services of the Senate from and after to-morrow for the balance of the session.

On motion of Mr. Shober, ordered that Archibald M'Eachin, the Senator from the county of Robeson, have leave of absence from the services of the Senate from and after Monday next for the remainder of the session.

On motion of Mr. Ward, Louis D. Wilson, the Senator from the county of Edgecomb, had leave of absence from and after to-day for the remainder of the session.

On motion of Mr. Wilson, of Edgecomb, ordered that the rule of the Senate requiring public bills to be notified one day before their second reading, be suspended for the balance of the session.

On motion of Mr. Shober, ordered that Michael Reinhardt, the Senator from the county of Lincoln, have leave of absence from the services of the Senate from and after yesterday for the remainder of the session.

On motion of Mr. Ward, Joseph J. Williams, the Senator from the county of Martin, had leave of absence from and after yesterday for the balance of the session.

And the Senate adjourned until this afternoon, 4 o'clock.

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SATURDAY EVENING, 4 O'CLOCK.

Mr. Drake presented a bill to repeal an act, passed in the year 1825, entitled "an act to create a fund for the establishment of common schools;" which being read the first time, on motion of Mr. Alexander, the said bill was indefinitely postponed.

Mr. Owen presented a bill to authorise the President and Directors of the Literary Fund to employ a clerk; which bill was read the first, second and third times and passed, and ordered to be sent to the House of Commons.

Received from the House of Commons, the report of the President and Directors of the Literary Fund, endorsed in that House, read and concurred in.



Received from the House of Commons, a message, stating that they agree to the amendment made by the Senate in the engrossed bill for the relief of Samuel Carter and Solomon Carter, and also with the amendment made in the Senate to the amendment made in the House of Commons, in the bill to revive and continue in force certain acts of Assembly therein named. Whereupon the said bills were ordered to be enrolled.

Received from the House of Commons, a message, stating that they *recede* from their disagreement with the amendments made in the Senate, in the bill to repeal an act, passed in the year 1826, entitled "an act to appoint commissioners to build a new court-house in Surry county, and for other purposes." Whereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating their disagreement to the amendment made by the Senate, in the bill for the better regulation of the towns of Newbern and Wilmington. Whereupon, on motion of Mr. Owen, the Senate *receded* from the amendment to the said bill, and the House of Commons were informed thereof by message.

The engrossed bills, to wit: A bill supplemental to an act, for the improvement of the navigation of Perquimons river above Newby's bridge; the bill concerning the tax to be paid by persons peddling on certain waters; the bill concerning the entry of lands now covered by the waters of any of the lakes of this State; the bill to amend an act, passed in the year 1826, entitled "an act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians;" and the bill concerning the appointment of a keeper of the State House and for the preservation of the Statue of Washington, were read the second and third times and ordered to be enrolled.

The engrossed bill to continue in force an act, passed in the year 1823, entitled "an act directing a Geological and Minerological survey to be made of the State of North-Carolina," was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill in addition to the acts relative to weights and measures, was read the second time and passed, and being read the third time, Mr. Thomson moved the indefinite postponement thereof; which was not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative, and was ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the engrossed bills, to wit: A bill to make provision for widows when they dissent from the wills of their husbands;" a bill making the endorser or endorsers of bonds and promissory notes liable as surety or sureties; a bill giving the Superior Courts jurisdiction in all cases of divorce; a bill to limit the appointment of Solicitor General and Solicitors to four years; and a bill prescribing the manner in which staves, heading and shingles shall hereafter be inspected; and a resolution in favor of Lawrence & Lemay; in which they ask the concurrence of the Senate; which were read the first time and passed, and the first and last mentioned bills were read subsequently the second and third times and passed, and ordered to be enrolled.

The engrossed bill to limit the appointment of Solicitor General and Solicitors to four years, being read the second time, Mr. Alexander moved



to strike out from the word "longer" in the 11th line, the remainder of the bill, to wit: "and that the appointments already made shall continue for four years from the first day of the present session, and no longer;" which was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the affirmative; and was thereupon read the third time and passed, and ordered to be enrolled.

The engrossed bill making the endorser or endorsers of bonds and promissory notes liable as securities, was read the second time. Mr. Pickett moved to amend the title of the bill by striking out all the words after the words "a bill," and inserting "making the endorser of bills, bonds and promissory notes surety for the same;" which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment. Whereupon a message was received from that House, agreeing to the amendment of the Senate to the said bill, and it was ordered to be enrolled.

The engrossed bill giving the Superior Courts exclusive jurisdiction in all cases of divorce, was read the second time. Mr. Nuttall moved to amend the bill by striking out the last section; which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment; and a message was received from that House, stating that they do not agree to the amendment proposed by the Senate to the bill giving the Superior Courts of Law exclusive jurisdiction in all cases of divorce. Whereupon Mr. Montgomery moved that the Senate recede from their amendment, to wit: to strike out the last section of the bill; which was not agreed to. Mr. Shober moved that the Senate *insist*; which was agreed to, and the House of Commons were informed by message that the Senate *insist* on their amendment, to wit: to strike out the last section of the said bill.

The engrossed resolution in favor of Lawrence & Lemay, was read the second time. Mr. Owen moved to amend the resolution by striking out all the resolution after the word "resolved," and inserting the following words, to wit: "That the account of Lawrence & Lemay for extra printing, be referred to the Governor, Treasurer, Comptroller and Secretary of State, who have, at this session of the Legislature, been appointed by law a board for the settlement of such claims; and that the sum due them be paid by the Treasurer upon the certificate of the amount by the said board;" which amendment was agreed to, and the resolution, as amended, was read the second time and passed; and subsequently read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles of lands within this State;" a bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly; and a bill for revising, digesting and amending the law relating to executors and administrators; which were read the first time and passed; and the first named bill was subsequently read the second and third times and ordered to be enrolled; and



the last named bill was read the second time. Mr. Pickett moved to amend the bill by inserting in the 5th line of the 2d section, after the word "aforesaid," the words "for their consideration;" which amendment was agreed to. The question then recurred on the passage of the bill, as amended, the second time, and the question being taken, it passed in the negative, and the House of Commons were informed thereof by message.

The engrossed bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly, was read the second time; and, on motion of Mr. Drake, the said bill was indefinitely postponed, and the House of Commons were informed thereof by message.

Received from the House of Commons the following engrossed resolutions, to wit: A resolution authorising and directing the Secretary of State to have the well on the public square repaired and cleaned out; and a resolution for furniture for the Governor's house; which were read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the North-Carolina Institution for the Instruction of Deaf and Dumb; a bill to compel the county trustee of each county to report the expenditures of the county in the prosecution and punishment of insolvent offenders; a bill to amend an act, passed in the year 1715, entitled "an act to appoint public registers, and to direct the method to be observed in conveying lands, goods and chattles, and for preventing fraudulent deeds and mortgages;" and a bill to prohibit vice and immorality at and in the vicinity of the University, and for other purposes; in which they ask the concurrence of the Senate. Whereupon the first named bills were read the first, second and third times and passed, and ordered to be enrolled; and the last named bill was read the first time. Mr. Montgomery moved its indefinite postponement; which was not agreed to, and the bill passed the first time. Being read the second time Mr. Montgomery moved to strike out the first section. Mr. Alexander moved to amend the bill by inserting in the 8th line of the first section, after the word "University," the words "or the county of Stokes;" which amendment was not agreed to. The question then recurred on the motion submitted by Mr. Montgomery, to wit: to strike out the first section; which was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment; and a message was received from the House of Commons, agreeing to the amendment of the Senate, and the bill was ordered to be enrolled.

Received from the House of Commons the resolution relative to the account of Governor Burton, as guardian *ex officio* of James Forsythe, endorsed in that House "read and concurred in," and the resolution was ordered to be enrolled.

Received from the House of Commons the resolution relative to making inquiries into the expediency of erecting a Penitentiary, endorsed in that House "read and concurred in." Whereupon the said resolution was ordered to be enrolled.

Received from the House of Commons the resignation of Kinchen Q. Adams, as a Justice of the Peace for the county of Johnston; which was read and accepted.



Received from the House of Commons, a message, stating that they have rejected the engrossed bill to authorise the President and Directors of the Literary Fund to employ a clerk.

And then the Senate adjourned until Monday morning, 7 o'clock.

MONDAY, JANUARY 7, 1828.

Mr. Owen, from the committee of Finance, to whom was referred a resolution instructing them to inquire whether John M'Rae, to whom the State had loaned 5,000 dollars, had given bond and security for the same, and to whom was referred also the subject of counting the Treasury Notes, and ascertaining what portion of them were fit for circulation, made a report; which was read and concurred in by the Senate.

Mr. Owen, from the committee of Finance, made a further report; which was read, and the resolution therein contained concurred in by the Senate, as follows, to wit: *Resolved*, that the Public Treasurer pay to H. G. Burton the sum of forty five dollars and forty two cents; and that he be allowed the same in the settlement of his public accounts.

Mr. Ward presented a resolution relative to the bringing, by the Adjutant General of the State, from the place where they may arrive, any arms which this State may receive from the general government during the present year, and providing for the expenses attending their transportation; which was read three times and passed, and ordered to be engrossed.

The engrossed bill directing what construction shall be given to contingent executory limitations, was read the third time and passed, and ordered to be enrolled.

Mr. Pickett presented a bill concerning the claim of the State on the estate of the late Treasurer and his securities; which was read the first, second and third times and passed, and ordered to be engrossed and sent to the House of Commons.

Mr. Pickett presented a resolution relative to the examination, by the Governor, Secretary and Treasurer, of the vouchers in relation to the expenses attendant on the reception of General Lafayette; which was read and agreed to, and ordered to be engrossed and sent to the House of Commons.

Mr. Pickett presented a resolution authorising the Governor to draw on the Treasurer for money to pay the necessary expenses incident to the surveying and selling the lands and other property of the late Treasurer Haywood; which was read the first, second and third times and passed, and sent to the House of Commons.

Received from the House of Commons, a message, stating their agreement to the amendment made by the Senate in the engrossed resolution in favor of Lawrence & Lemay, and the resolution was ordered to be enrolled.

Received from the House of Commons, a message, stating that that House *insists* on their disagreement with the amendment made by the Senate in the engrossed bill, giving to the Superior Courts of Law exclusive jurisdiction in all cases of Divorce. Whereupon, on motion of Mr. Alexander, a message was sent to the House of Commons, stating that the Senate *recede* from their amendment to the said bill, to wit: "to strike out the last section."



Received from the House of Commons, a message, stating that they have rejected the engrossed bill concerning the claim of the State on the late Treasurer and his securities, and agreeing to the amendment made by the Senate in the recommendation from the county of Johnston.

Received from the House of Commons, the resolution relative to the expenses attendant on the reception of Gen. Lafayette, endorsed in that House "read and concurred in," and the resolution was ordered to be enrolled; also the resolution authorising the Governor to draw on the Treasurer for money to pay the expenses incident to the surveying and selling the land and other property of the late Treasurer *Haywood*, endorsed in that House "read and agreed to," and the resolution ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate having acted on all the business before them, are ready to adjourn without day. Whereupon, a message was received from that House, stating that they are also ready to adjourn without day.

On motion of Mr. Dobson,

*Resolved unanimously*, That the thanks of the Senate be presented to the Hon. Bartlett Yancy, Speaker thereof, for the able, impartial and dignified manner in which he has discharged the duties of the Chair.

Thereupon, Mr. Speaker made an appropriate address to the Senate, and adjourned the same *sine die*.

B. YANCY, S. S.

By order,

JAMES W. CLARE, *Clerk of the Senate.*



# JOURNAL OF THE HOUSE OF COMMONS.

At a General Assembly, begun and held in the city of Raleigh, on Monday, the 19th of November, in the year of our Lord 1827, and in the fifty second year of the INDEPENDENCE OF THE UNITED STATES OF AMERICA, it being the first session of this General Assembly; on which day, being the day appointed by law for the meeting thereof,

The returning officers of the several counties certified that the following persons were duly elected to represent the said counties and borough towns in this House, to wit:

<i>Anson</i> , Alexander Little, Clement Marshall.	<i>Lenoir</i> , William B. Kilpatrick, George Whitfield.
<i>Ashe</i> , Zachariah Baker, Anderson Mitchell.	<i>Lincoln</i> , Alex. J. M. Brevard, D. Conrad.
<i>Beaufort</i> , William A. Blount, Thomas W. Blackledge.	<i>Martin</i> , Gabriel L. Stewart, Jesse Cooper.
<i>Bertie</i> , Thomas H. Speller.	<i>Mecklenburg</i> , Joseph Blackwood.
<i>Bladen</i> , John I. M'Millan, John T. Gilmore.	<i>Montgomery</i> , James Allen, James M. Lilly.
<i>Brunswick</i> , Alfred Moore, Jacob Leonard jr.	<i>Moore</i> , Gideon Seawell, Wm. Wadsworth.
<i>Buncombe</i> , John Clayton, James Allen.	<i>Nash</i> , Frederick Battle, James M. Mann.
<i>Burke</i> , David Newland, Joseph Neill.	<i>New-Hanover</i> .
<i>Cabarrus</i> , Wm. M'Lean, J. C. Barnhardt.	<i>Northampton</i> , R. B. Gary, J. H. Patterson.
<i>Camden</i> , Thomas Tillett, Thomas Dozier.	<i>Onslow</i> , Edward Williams, Frederick Foy.
<i>Carteret</i> , David W. Borden.	<i>Orange</i> , John Boon, John Stockard.
<i>Caswell</i> , John E. Lewis, Charles D. Donoho.	<i>Pasquotank</i> , John Pool, Wm. J. Hardy.
<i>Chatham</i> , Nathaniel G. Smith, Nathan A. Stedman.	<i>Perquimons</i> , Elisha Burke, Robert Perry.
<i>Chowan</i> , William Byrum, William Jackson.	<i>Person</i> , Thomas Lawson, Thomas Webb.
<i>Columbus</i> , Caleb Stephens, L. R. Simmons.	<i>Pitt</i> , John Cherry, Marshall Dickinson.
<i>Craven</i> , Charles J. Nelson, Lucas Benners.	<i>Randolph</i> , Hugh Walker, John B. Troy.
<i>Cumberland</i> , Joseph Hodges, Archibald M'Dearmid.	<i>Richmond</i> , George Thomas, Arch'd M'Nair.
<i>Currituck</i> , Willoughby D. Barnard, Samuel Salyear.	<i>Robeson</i> , R. C. Rhodes, Malcom Purcell.
<i>Davidson</i> , Thomas Hampton, Absalom Williams.	<i>Rockingham</i> , James Barnett, Thomas Settle.
<i>Duplin</i> , Daniel Glisson, Joseph Gillespie.	<i>Rowan</i> , Hamilton C. Jones, John Clement.
<i>Edgecomb</i> , Benj. Sharpe, Benj. Wilkinson.	<i>Rutherford</i> , Daniel Gold, Joseph Green.
<i>Franklin</i> , Joel King, Henry J. G. Ruffin.	<i>Sampson</i> , David Underwood, Thos. Boykin.
<i>Gates</i> , Wm. W. Stedman, Lemuel Riddick.	<i>Stokes</i> , Jacob Salmon, Elisha Plummer.
<i>Granville</i> , John C. Taylor, John Glasgow.	<i>Surry</i> , Wm. Douglass, Ephraim Hough.
<i>Greene</i> , James Harper, Joseph Ellis.	<i>Tyrrell</i> , D. N. Bateman, Fred'k Davenport.
<i>Guilford</i> , Francis L. Simpson.	<i>Wake</i> , Samuel Whitaker, Johnson Busbee.
<i>Halifax</i> , George E. Spruill.	<i>Warren</i> , Robert H. Jones, Ransom Walker.
<i>Haywood</i> , Jas. R. Love, Benj. S. Brittain.	<i>Washington</i> , Wm. A. Bozman, Abner Vail.
<i>Hertford</i> , Bridger J. Montgomery, John H. Wheeler.	<i>Wayne</i> , Joshua Hastings.
<i>Hude</i> , Wallace D. Styron, John B. Jasper.	<i>Wilkes</i> , Malachi Roberts, Nathl. Gordon.
<i>Johnston</i> , Hillory Wilder, Kinchen Q. Adams.	<i>For the town of Halifax</i> , Jesse A. Bynum.
<i>Jones</i> , O'Brien Cox, Enoch Foy.	<i>Edenton</i> , James Iredell.
<i>Iredell</i> , Wm. Falls, Wm. J. Summers.	<i>Newbern</i> .
	<i>Wilmington</i> , Joseph A. Hill.
	<i>Fayetteville</i> , John D. Eccles.
	<i>Hillsborough</i> , John Scott.
	<i>Salisbury</i> , Charles Fisher.

In pursuance thereto, the following members appeared, were qualified and took their seats, the oaths of qualification being administered by Mr. Busbee, one of the Justices of Wake county, to wit: Alfred Moore, Charles D. Donoho, John Clayton, David Newland, Nathaniel G. Smith, Nathan A. Stedman, James Allen, Alexander Little, A. Mitchell, Clement Marshall, John J. M'Millan, Thomas Dozier, Thomas Tillett, Jo



seph Neill, Zachariah Baker, John C. Taylor, Lemuel Riddick, William A. Blount, Thomas W. Blackledge, Thomas H. Speller, William Jackson, William M'Lean, Caleb Stephens, Luke R. Simmons, David W. Borden, John E. Lewis, John C. Barnhardt, Thomas Hampton, Jacob Leonard, Absalom Williams, Joseph Hodges, Lucas Benners, Charles J. Nelson, John B. Jasper, Wallace Styron, A. M'Dearmid, Daniel Glisson, Kinchen Q. Adams, Joseph Gillespie, James Harper, Benjamin Wilkinson, W. D. Barnard, Hillory Wilder, Joel King, Joseph Ellis, Benjamin S. Brittain, Bridger J. Montgomery, John H. Wheeler, James R. Love, Henry G. H. Ruffin, F. L. Simpson, John H. Patterson, Alexander J. M. Brevard, Thomas Webb, Thomas Lawson, Enoch Foy, William J. Summers, A. M'Nair, Gideon Seawell, John Boon, James Allen, William Wadsworth, J. Cherry, Joseph Blackwood, Gabriel L. Stewart, J. M. Lilly, Jesse Cooper, George Whitfield, Frederick Battle, Robert Perry, William J. Hardy, George Thomas, Marshall Dickinson, John Stockard, Wm. B. Kilpatrick, James M. Mann, William Falls, O. B. Cox, Edward Williams, Hugh Walker, Daniel Conrad, John B. Troy, Frederick Foy, John Pool, E. Ball, Elisha Burke, Roderick B. Gary, Robert H. Jones, James Iredell, Samuel Whitaker, Richard C. Rhodes, William Douglass, John D. Eccles, Wm. A. Bozman, Jacob Salmon, Daniel Gold, Thomas Boykin, Wm. W. Stedman, Ransom Walker, Nathaniel Gordon, Hamilton C. Jones, Malcom Purcell, Malachi Roberts, J. Glasgow, James Barnett, Daniel N. Bateman, Elisha Plummer, David Underwood, Frederick Davenport, Joseph Green, J. Hastings, Thomas Settle, Johnson Busbee, Charles Fisher, John Scott, Ephraim Hough, John Clement, Joseph A. Hill, George E. Spruill.

A quorum, consisting of a majority of the members, being present, Mr. Glisson moved that Mr. Iredell, the member representing the town of Edenton, be appointed Speaker. The question to concur with the motion passed unanimously in the affirmative. Whereupon the Speaker was conducted to the Chair by Mr. Glisson; from whence he made his acknowledgments to the House.

On motion of Mr. Glisson, Pleasant Henderson was appointed Clerk, and Charles Manly, Clerk Assistant.

Mr. Glisson further moved that John Lumsden be appointed Principal Door-keeper, and Richard Roberts Assistant Door-keeper, and Mr. Simmons moved that the name of Archibald Maulsby be added to the nomination. The question shall John Lumsden be appointed Principal, and Richard Roberts Assistant Door-keeper? was determined in the affirmative.

The House then adjourned until to morrow morning, 10 o'clock.

#### TUESDAY, NOVEMBER 20, 1827.

John Kerr, one of the members of New-Hanover county, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, by their Clerk Assistant, informing of the organization of that House, having appointed Bartlett Yancey, Esq. Speaker; James W. Clark, Clerk; Samuel F. Patterson, Clerk Assistant; Thomas B. Wheeler and Robert Ray, Door keepers; and of their readiness to proceed to the despatch of public business.

On motion, ordered that a message be sent to the Senate, informing that this House is also organized and ready to join the Senate in the des-



patch of public business, having appointed James Iredell, Speaker; Pleasant Henderson, Clerk; Charles Manly, Clerk Assistant; John Lumsden and Richard Roberts, Door-keepers.

A message from the Senate, by the Clerk Assistant, proposing to raise a joint select committee for the purpose of informing his Excellency the Governor of the organization of the two Houses, and of their readiness to receive such communications as he may think proper to make. The message was concurred in, and the Senate informed by message that Mr. Newland and Mr. Gary form the committee on the part of this House.

On motion of Mr. Glisson, ordered that a message be sent to the Senate, proposing to ballot, at the meeting of the two Houses to-morrow morning, for three Engrossing Clerks, and informing that Robert W. Gooliman, Wilson B. Hodges, Thomas Dewes, Robert H. Helme, Thomas G. Stone, Edward F. Lilly, William J. Cowan, William E. Troy, John K. Campbell, Henry M. Jasper, James Erwin, John Hill and Calvin Covington are in nomination for the appointments.

On motion of Mr. Jones, of Warren, ordered that a message be sent to the Senate, proposing to raise a select joint committee to prepare and report rules for the government of the intercourse between the two Houses during the session, and informing that Mr. Jones of Warren, Mr. Settle and Mr. Blount form the committee on the part of this House.

On motion.

*Resolved*, That Mr. Jones, of Warren, Mr. Settle and Mr. Blount, be a committee to prepare and report rules of order for the government of this House; and that, in the interim, the rules of order of the last Session be observed.

On motion of Mr. Fisher,

*Resolved*, That this House deeply deplore the loss the public has sustained in the death of John Haywood, Esquire, the long tried and faithful Treasurer of the State.

*Resolved*, as a token of the deep respect we feel, and the great affection and veneration we have for the character and virtues of the deceased, that the members of this House, with the Speaker at their head, attend his funeral in procession at the hour of 3 o'clock this afternoon; and that we wear crape on the left arm during the remainder of the Session.

*Resolved*, That this House abstain from any further business during this day; and that a committee of five members be appointed, to join a like committee on the part of the Senate, to confer with the family and make suitable arrangements for the procession to the tomb of the deceased.

*Resolved*, That Mr. Fisher, Mr. Moore, Mr. Scott, Mr. Donoho and Mr. Spruill form the committee on the part of this House.

Mr. Fisher, from the committee of Conference, reported verbally that the committee, according to order, had conferred with the committee on the part of the Senate, and instructed him to move that the House do adjourn until half past 2 o'clock, P. M. The question thereon passed in the affirmative.

#### TUESDAY, HALF PAST 2 O'CLOCK, P. M.

Mr. Donoho, from the committee of Conference, made the following report:

The procession for the interment of the late John Haywood, Public Treasurer of North Carolina, will form in the public square east of the State House, march to the late residence of the deceased, and there join the family, relatives and friends of the deceased; and, in the following order, proceed to the Presbyterian Church, to attend the funeral discourse; then in the same order return to the place of interment.

#### ORDER OF PROCESSION.

- 1st. The corpse, with three pall bearers on each side.
- 2nd. The family and relatives.



- 3rd. The Reverend Clergy.
- 4th. His Excellency the Governor and Heads of Departments.
- 5th. The Judicial Officers of the State.
- 6th. The Speakers of the Senate and House of Commons.
- 7th. The Committee of Arrangements.
- 8th. Members of the Senate and Clerks.
- 9th. Members of the House of Commons and Clerks.
- 10th. Officers of the Senate and House of Commons.
- 11th. Citizens and Strangers.

*Resolved*, That General Thomas Love, General Alexander Gray and Col. Willis Riddick, of the Senate; and Colonel Joseph Gillespie, Colonel Daniel Glisson and Enoch Foy, of the Commons, be requested to act as pall bearers.

*Resolved*, That the Rev. Dr. M'Pheeters be requested to attend and perform the funeral obsequies at 3 o'clock this afternoon.

*Resolved*, That General Beverly Daniel be requested to act as Marshal of the day.

The question to concur with the report passed in the affirmative.

The House then, on motion, adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, NOVEMBER 21, 1827.

Joseph D. White, one of the members of Bertie county; and William E. Shine, one of the members of the county of Halifax, appeared, produced their credentials, were qualified, and took their seats.

Mr. Newland, from the joint committee appointed to wait on his Excellency the Governor, and acquaint him with the organization of the two Houses, and of their readiness to receive such communications as he may be pleased to make, reported that the committee, according to order, had performed that duty, and that the Governor would make a communication to the House this day, at 12 o'clock, in writing. The question to concur with the report passed in the affirmative.

A message from the Senate, by their Clerk Assistant, informing of the assent of that House to ballot this morning for three engrossing Clerks; and informing further, that the names of James H. Johnston and Robert Ransom are added to the nomination; and that Mr. Williams, of Martin, and Mr. M'Millan attend this House as a committee to conduct the balloting on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Marshall and Mr. Busbee attend the Senate as a committee on the part of this House to conduct the balloting; and that the name of Joshua E. Lumsden is added to the nomination.

A message from the Senate, informing of the assent of that House to raise a joint select committee to prepare and report rules for the government of the intercourse to be observed between the two Houses the present Session; and that Mr. Owen, Mr. Spaight of Craven, and Mr. Pickett form the committee on their part.

The resignation of Alfred Ballard, Lieutenant Colonel of the 6th regiment of the militia; I. Berryman, of the county of Rowan, and William C. Berry, of Buncombe county, justices of the peace, were presented, read and accepted.

Mr. Jones, from the joint select committee appointed to prepare and report rules for the government of the intercourse between the two Houses, made the following report: "That there are now existing permanent joint rules of the two Houses, adopted in the year 1824, which your committee



are of opinion require no amendment;" and recommended the adoption of the following resolution:

*Resolved*, That the joint rules adopted in the year 1824, as the permanent joint rules for the government of the intercourse between the two Houses, be printed, one copy for each member of the General Assembly; and that they be observed accordingly.

The question to concur with the report and resolution passed in the affirmative.

Mr. Marshall, from the committee appointed to superintend the balloting for three Engrossing Clerks, reported that the committee had, according to order, performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for the Engrossing Clerks, and informing that the name of Joshua E. Lumsden is withdrawn from the nomination.

A message from the Senate, informing of the assent of that House to ballot again immediately for the Engrossing Clerks; that Mr. Beasley and Mr. Ramsay form the committee on their part to conduct the balloting; and that the name of Robert Ransom is withdrawn from the nomination.

On motion, ordered that the Senate be informed by message that Mr. Gary and Mr. Lewis form the committee on the part of this House to superintend the balloting for the Engrossing Clerks.

The resignation of William Wilson, justice of the peace for the county of Buncombe, was presented, read and accepted.

Received from his excellency the Governor, by his Private Secretary, Mr. Campbell, the following message:

*To the Honorable the General Assembly of North-Carolina:*

GENTLEMEN,—The revolution of another year has given birth to no sensible variation in our political institutions. Under their unimpaired and continued usefulness, you have again assembled together. The general health of our State, during this period, and the abundant character of our productions, are blessings flowing from the Author of "every good and perfect gift," which merit our grateful and unfeigned thanks.

This general aspect of prosperity is gloomily chequered with the pecuniary embarrassment, so prevalent in our country. The facility of borrowing money since the establishment of the Banks, an uncontrollable thirst of speculation, (which may be regarded as its natural consequence,) and the depressed state of our staple commodities, are assigned by some, as the causes of this effect.—The peculiar situation of our commerce, which enables the adjoining States to become either the temporary or permanent receptacles of our circulating medium, attended with the vexatious and losing concomitant of its being under the marketable value, and the more recent, though perhaps not less burthensome subject of the Tariff, are causes assigned by others. The want of individual industry and economy have doubtless had an extensive influence. How far any or all of these causes come within Legislative control, and what remedy, if any, should be applied, can be decided by you alone. The alteration of the Tariff, contemplated by the "Woollens Bill," would, from late circumstances, seem to invite peculiar and prompt attention. In opposition to the proposed alteration, a highly respectable portion of the talent, learning and experience of an adjoining State has been exerted. So completely identified are our interests, situation and productions, that what is so interesting to them cannot surely be matter of indifference to us. And the dignity and interest of the State alike require that North-Carolina should not be silent.

To create and sustain within our own State, one or more commercial depots, which, thro' lines of easy, direct and cheap intercommunication, should connect the extremities of the country together; serving to keep the circulating medium, the very life-blood of commerce, in a continual and healthy flow throughout our own body politic—thereby destroying that injurious and unfortunate dependence upon our sister States, (one of the principal causes alluded to above,) has been the ardent wish and anxious desire of every enlightened friend of the State. In the prosecution of this subject, much has been attempted, much has been expended, and but little has hitherto been done. In the conflict between the prejudices naturally flowing from sectional feelings and the correct reason of the case, the energies of



the State have been almost palsied and her attempts rendered comparatively abortive. The want of systematic arrangement, and the failure to select one or more points, combining the greatest variety of interests, upon which the accumulated energies of the State might have been thrown with irresistible effect, has been the source of almost total ruin to our system of Internal Improvements. With the information gained by an experience somewhat dearly purchased, and which must go far to destroy many of the theories previously adopted, we will be enabled to progress more steadily and successfully. So very familiar has this subject become to your honorable body and the public at large, and so frequent has been its discussion, that little remains to be said upon it, in a general view. In another communication, the details of the progress made during the past year, will be presented to you.

Connected with this system, is a subject, in which it is expected every sincere friend of his country will take a deep interest. I refer to the draining and reclaiming of our swamp and marsh lands. This work has already been commenced, in a manner highly creditable to your predecessors. They authorised the Board of Internal Improvements to employ surveyors to make the necessary examination of certain swamps, whose locality was specified, preparatory to the commencement of this important work. Two gentlemen, Mr. Nash, highly recommended by Gov. Clinton for science and skill in his profession, and Mr. Brazier, whose qualifications as a surveyor are well known, have been engaged during the greater part of the past Summer and Fall, in making surveys, drafting plats and collecting the information required. All of which will be communicated to you more at large. It is sincerely desired, that the result of the investigation which you may bestow upon the labours of these gentlemen, may be such as to induce you zealously to prosecute this work. Could these lands generally be reclaimed, the advantages resulting to the farming interest of the State, from the addition of such an immense body of arable lands, would be incalculable. To the benevolent and philanthropic no undertaking could be presented so acceptable as one proposing to diminish the quantum of human misery, by removing a fruitful source of disease, and converting a curse into a blessing. To the legislator it must be consoling to know, that while he, in this way, prevents the partial depopulation of his State, he is at the same time creating the most ample and permanent provision for the education of the poor of the rising generation. Did the subject hold out no other advantage, this of itself would entitle it to deep attention and untiring exertion. For, upon the education of the generation now growing up, and those that will come after, depends, in a great measure, the continuance, in their purity, of our happy forms of government. It is at once the source of public and private respectability, the spring of social and individual happiness.—Yet, with all the advantages which must incontestably flow from reclaiming the swamp lands and a system of free schools, they are both in danger of failing, from the failure of the provision upon which both were measurably based. In their aid, the last Legislature authorised the Board of Internal Improvements, and the President and Directors of the Literary Fund, respectively, to raise, by way of lottery, \$50,000, and allowed them to sell the privilege. After a fair experiment it has been found impossible to procure a purchaser. With you it remains to make such other and further provision, as shall seem best calculated to attain objects so desirable. Whether the practice of some States, of granting exclusive privileges to the purchasers of lotteries sold by such States, by totally prohibiting the sale of tickets in any other lottery, would render the privilege offered for sale, by this State, more valuable, or whether any other system can be resorted to, are subjects which may deservedly claim your attention.

In reference to our Judiciary, I hope to be excused in again calling the attention of the Legislature to the present mode of compensating prosecuting officers. The public interest and the due and impartial administration of justice alike require that the most efficient talents should be secured. This can only be done by offering such compensation as will amply reward the toils and exertions of the officer. To destroy any undue bias, and render the administration of justice in our Courts completely impartial, this compensation should be fixed and certain, and not dependent upon the issue of the trial. It is a subject of great importance, and cannot fail to secure for itself your serious consideration.

By a resolution of the last General Assembly, the Executive was requested to make application to the British Government, for liberty to procure such materials as were in their possession, relating to the colonial history of this State. In compliance with this resolution, I addressed a letter to Mr. Gallatin, through the Hon. H. Clay, who, with promptness and that urbanity for which he is distinguished, immediately attended to it, and had the communication forwarded. Mr. Gallatin gave the application his zealous and efficient support. That it was met with great liberality of feeling on the part of the British authorities, will appear from the following extract, taken from Mr. Gallatin's letter, and the correspondence and documents herewith transmitted: "I received, in June last, through the department of State, a letter from the Governor of North-Carolina, enclosing a resolution of the General Assembly of that State, and requesting me, in conformity therewith, to apply to the British Government, for leave to procure copies of such documents, in the public offices here, as relate to the colonial history of North Carolina. I found, in every quarter, the most liberal



disposition on that subject. Not only the leave was granted; but the Board of Trade had an index prepared, of all the records that had reference to the Province of North-Carolina, in order that the State might point out those documents of which copies should be wanted, and I now transmit my answer to the Governor, enclosing the index and other papers relative to the subject." In compliance with an act of the last Session, "prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians," Gen. Thomas Love, of Haywood, and Col. C. D. Donoho, of Caswell, were appointed Commissioners, and Matthew Baird, Esq. of Burke, the Principal Surveyor. The appropriation, made by the Legislature, for this purpose, proved insufficient. From this cause and several defects in the law, after these gentlemen had made considerable progress in the discharge of their several duties, it was found necessary to discontinue their operations and await the determination of your honorable body. The correspondence upon this and a collateral subject, together with the advice of the Council of State, who were consulted, are herewith transmitted, and respectfully submitted to your consideration. In compliance with a resolution of the same Session, in reference to the fee simple held by the State in the Tuscarora lands, notice was given in the papers published in this place, that proposals would be received, by the Executive, for the purchase of said right. No proposals have yet been received, either from the lessees of said lands or others. I respectfully refer you to the report of Dr. S. J. Baker, Wm. R. Smith and Wm. Britton, Esqrs. Commissioners appointed by the resolution, to make an appraisement and the survey of the lands, for information on these points.

During the last Summer, the unexpected and lamented death of Col. J. Hawkins, late Comptroller, a faithful and efficient officer, caused me to convene the Council of State, who advised the appointment of Jno. L. Henderson, Esq. of Salisbury. With you it remains to make a permanent appointment.

It has also become my painful duty, to announce to you the death of that excellent and venerable man, John Haywood, Esq. late Treasurer of this State. To attempt to recount his many virtues, would far exceed the limits of this communication. His character was beyond reproach and without a stain—his integrity unquestioned—and his reward, was the unlimited confidence of his fellow-citizens, enjoyed for more than forty years. That North-Carolina had at the head of her Financial Department such an individual, was justly her pride and boast. It remains with you to supply the vacancy, which this melancholy event has occasioned.

The resignations of Justices of the Peace and Militia Officers, are herewith transmitted.

In a few days, my constitutional term of service will terminate. Permit me to say, on this occasion, that I shall ever cherish, with lively gratitude, the continued confidence reposed in, and the friendly indulgence exercised towards me, on the part of your honorable body; and to express a hope, that it may, in some degree, have been merited by a faithful and conscientious discharge of the Executive duties. If I have failed in aught, it is ascribable to errors of judgment; for I feel assured of having acted with an "eye single" to the welfare and prosperity of the State. That your exertions may be successfully directed to the best interests of our common country, is the sincere wish of,

Gentlemen, yours, with high consideration and respect,

H. G. BURTON.

*Executive Department, N. C. }*  
*21st November, 1827. }*

On motion of Mr. Newland, ordered that the foregoing message be sent to the Senate, with a proposition that it be printed, one copy for each member.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 22, 1827.

Mr. Gary, from the committee appointed to superintend the balloting for the Engrossing Clerks, reported that the committee had performed that duty; and that it appeared, on examining the ballots, that Thomas G. Stone had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Gary, ordered that a message be sent to the Senate, proposing to ballot immediately for two Engrossing Clerks.

William Julius Alexander, one of the members of Mecklenburg county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, informing of the assent of that House to



ballot this morning for two Engrossing Clerks, and Messrs. Drake and Askew of Bertie attend this House as a committee on their part to conduct the balloting.

A message from the Senate, informing of the assent of that House to the proposition that the Governor's message be printed, one copy for each member.

Mr. Pool, from the committee appointed to superintend the balloting for two Engrossing Clerks, reported that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number.—The question to concur with the report passed in the affirmative.

A message from the Senate, by their Clerk Assistant, proposing that the two Houses ballot immediately for two Engrossing Clerks. The message was concurred in, and the Senate informed thereof by message; and also that Mr. Whitaker and Mr. Stedman compose the committee of superintendence on the part of this House; and that the name of Robert Helm is withdrawn from the nomination.

A message from the Senate, informing that Mr. Shober and Mr. Davenport wait on this House as superintendents on their part of the balloting for two Engrossing Clerks.

A message from the Senate, by their Clerk Assistant, proposing that the two Houses, at their meeting to-morrow morning, ballot for a Treasurer of this State, to supply the vacancy occasioned by the death of John Haywood, Esquire, and informing that John S. Haywood is in nomination for the appointment.

Ordered that a message be sent to the Senate, proposing to refer to a select joint committee of both Houses so much of the Governor's message as relates to the Tuscarora lands, and informing that Messrs. Hill, Stewart, White, Blackledge and Montgomery form the committee on the part of this House.

Mr. Whitaker, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty; and that, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

Received from the Senate the report of the joint select committee appointed to prepare and report rules for the government of the intercourse between the two Houses; which, being read, was concurred in and returned to the Senate.

Received from the Senate, a message, by their Clerk Assistant, informing that they had appointed a committee of Finance, composed of Messrs. Love of Haywood, Deberry, Vanhook, Bethune, Owen, Spaight of Craven, Wilson of Edgecomb, and Bailey.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

*To the honorable the General Assembly of the State of North-Carolina:*

GENTLEMEN,—I have the honor herewith to transmit you certain resolutions from the States of Maine and Connecticut on the subject of internal improvement; also a communication from the State of Ohio, on the amendment of the Constitution of the United States.

I have thought it necessary also to communicate a letter from the State of Delaware, requesting an exchange of Laws. The Laws of almost all the States in the Union, both pamphlet and revisals, have been received at this Department for the



use of the State. For the want of adequate provision, we have not been able to reciprocate, except by an exchange of pamphlet Acts. It is a subject which may justly claim the attention of the Legislature.

With high consideration, I have the honor to be your obedient servant.

H. G. BURTON.

On motion, ordered that the foregoing message and documents be laid on the table until to-morrow.

Mr. Jones, of Warren, from the select committee to whom was referred the duty of preparing and reporting Rules of Order for the government of this House, reported that the committee have had the subject under consideration, and recommended to the adoption of the House the following Rules, to wit:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and shall immediately call the members to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.— He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, subject to an appeal to the House by any member; in which case the Speaker may deliver his opinion in preference to any other member. He shall rise to put a question, but may state it sitting. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye;" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two members, one from each side, who shall tell the members in the affirmative, and report their number: after which they shall tell the members in the negative, and report their number; upon which the Speaker shall rise and state the decision to the House.

2. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the whole shall have power to order the same to be cleared.

3. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

4. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

5. If any member, in speaking, or otherwise shall transgress the rules of the House, the Speaker shall, or any one member may, call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When two or more members rise at the same time, the Speaker shall name the member to speak.

7. No member shall speak more than twice on the same question without leave of the House.

8. Whilst the Speaker is putting any question, or addressing the House, no person shall speak or walk out, or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.

9. No member shall vote on any question, unless within the bar of the House when the same was stated; and the range of pillars on the north side of the Commons Hall shall be considered the bar of the House.

10. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

11. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and, if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.



12. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the Clerk before debated.

13. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

14. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

15. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend: which several motions shall have precedence in the order they stand arranged.

16. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

17. Any member may call for a division of the question when the same will admit of it, which shall be determined by the Speaker.

18. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.

19. Every bill shall be introduced by a motion for leave or by an order of the House.

20. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, without special order of the House.

21. No member shall, on motion, be at liberty to withdraw a public bill for amendment; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House.

22. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof; provided it be done on the same or succeeding day.

23. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

24. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.

25. The Speaker shall direct and arrange the orders of the day, until the House shall otherwise order.

26. No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.

27. Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent members.

28. No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

29. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

30. In the nomination of committees, no member shall nominate more than one person to be of a committee.

31. Select Committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. The first person named shall be chairman of the committee, and it shall be his duty to cause the members thereof to be convened when necessary.

32. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

33. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

34. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.



35. The Clerk of the House shall be deemed to continue in office until another is appointed.

36. No standing order shall be recinded without one day's notice given of the motion thereof.

37. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

38. Six standing committees shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.

39. A select standing committee, consisting of seven members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the Committee on the Judiciary."

40. All bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto; and then shall be first read for information, and afterwards paragraph by paragraph, and held open for amendment.

The question to concur with the report passed in the affirmative.

In conformity with the 39th Rule for the government of the House, six standing committees were appointed, to wit:

*A Committee of Claims*, consisting of Messrs. Robert Perry, William J. Hardy, Enoch Foy, Marshall Dickinson, William W. Jones, Daniel Glisson, Johnson Busbee, Thomas Webb, John Clement, Wm. M'Lean, A. J. Brevard, John Clayton, Gabriel L. Stewart, Jesse A. Bynum, Arch'd M'Dearmid, George Thomas.

*A Committee of Agriculture*—Messrs. William W. Stedman, Elisha Burke, Charles J. Nelson, Kinchen Q. Adams, Jacob Leonard, Frederick Foy, Nathaniel G. Smith, Samuel Whitaker, Thomas Hampton, Francis L. Simpson, Joseph Neal, Joseph Green, John H. Patterson, Joel King, David Underwood, Gideon Seawell.

*A Committee of Internal Improvements*—Messrs. John H. Wheeler, Thomas Dozier, Lucas Benners, Wm. A. Blount, J. A. Hill, John Kerr, John Stockard, Thomas Lawson, James Barnett, Charles Fisher, James Allen of Buncombe, James R. Love, Frederick Battle, Wm. E. Shine, Arch'd M'Nair, John D. Eccles.

*A Committee of Privileges and Elections*—Messrs. Daniel N. Bateman, Thomas Tillett, Wm. B. Kilpatrick, David W. Borden, Alfred Moore, John J. M'Millan, John Boon, Charles D. Donoho, Hamilton C. Jones, Absalom Williams, Zachariah Baker, Daniel Conrad, Benj. Wilkinson, Jesse Cooper, Thos. Boykin, Wm. Wadsworth.

*A Committee of Propositions and Grievances*—Messrs. W. D. Barnard, B. J. Montgomery, John Cherry, Joshua Hastings, Luke R. Simmons, Caleb Stephens, John E. Lewis, John Glasgow, Thomas Settle, Ephraim Hough, David Newland, Daniel Gold, James M. Mann, Roderick B. Gary, Alexander Little, Joseph Hodges.

*A Committee of Education*—Messrs. Joseph D. White, Enoch Ball, George Whitfield, Thos. W. Blackledge, Joseph Gillespie, John T. Gilmore, John C. Taylor, Nathan A. Stedman, John M. Morehead, Wm. J. Alexander, Nath'l Gordon, Benj. S. Brittain, Rob't H. Jones, H. I. G. Ruffin, Clement Marshall, Malcolm Purcell.

On motion, ordered that a message be sent to the Senate, informing that Messrs. John Pool, Wm. A. Blount, Alfred Moore, John Scott, John B. Troy, Anderson Mitchell, George E. Spruill, John D. Eccles, form the committee of Finance on the part of this House.

The House then adjourned until to morrow morning, 10 o'clock.

#### FRIDAY, NOVEMBER 23, 1827.

On motion, ordered that a message be sent to the Senate, informing of the disagreement of this House with the proposition of the Senate to ballot this morning for a Public Treasurer, and proposing to ballot for that officer on Monday morning next.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks. The message was concurred in, and the Senate informed by message that Mr. White and Mr. Stewart form the committee of superintendence of the balloting on the part of this House.

A message from the Senate, informing that Mr. Ramsay and Mr.



Hawkins form the committee on their part to superintend the balloting for two Engrossing Clerks.

On motion of Mr. Jones, of Warren,

*Resolved*, That so much of the Governor's message as relates to draining and reclaiming marsh or swamp lands, be referred to the committee on Internal Improvements; that so much of said message as relates to public instruction, be referred to the committee on Education; that so much of said message as relates to the administration of justice, be referred to the committee on the Judiciary; and that the several committees respectively report by bill or otherwise.

On motion of Mr. Fisher,

*Resolved*, That so much of the said message as relates to a communication from the American Minister at London, be referred to a joint select committee of three members from each House, with instructions to inquire what measures this Legislature should take, consistent with considerations of just policy, towards the publication of a History of North-Carolina; and that they report by bill or otherwise.

On motion of Mr. Newland, ordered that Mr. Newland, Mr. Taylor, Mr. Brevard, Mr. Marshall and Mr. Montgomery form the committee on Divorce and Alimony.

Received from the Senate, a resolution referring so much of the Governor's message as relates to the alteration of the Tariff, contemplated by the Woollen Bill, to a select joint committee; and informing that Messrs. Owen, Pickett, Spaight of Craven, Brodnax, and Speight of Greene, form the committee on their part. The resolution was read and concurred in, and a committee appointed, consisting of Mr. Settle, Mr. Eccles, Mr. Fisher, Mr. W. A. Blount and Mr. Wheeler, to join that appointed by the Senate.

Under direction of the 39th Rule of Order of the House, the Speaker appointed Mr. Jones of Warren, Mr. Morehead, Mr. Settle, Mr. Eccles, Mr. Spruill, Mr. Scott and Mr. Alexander as a committee on the Judiciary.

On motion, Mr. Moore, Mr. Hill and Mr. Donoho were selected by the Chair as members of the Library committee.

Mr. White, from the committee appointed to superintend the balloting for two Engrossing Clerks, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks. The message was concurred in, and the Senate informed by message that Mr. Bateman and Mr. Gilmore attend the Senate as a committee of superintendence of the balloting on the part of this House.

A message from the Senate, proposing to appoint a joint select committee, to be styled the committee of Public Buildings; and informing that Messrs. Speight of Greene, Hinton, Burgin, Vanhook and Love form the committee on their part. The message was concurred in, and the Senate informed that Messrs. Lewis, Glisson, Gary, Bozman and Love form the committee on the part of this House.

A message from the Senate, informing that Mr. Hawkins and Mr. Drake form the committee on their part to conduct the balloting for two Engrossing Clerks.

Mr. M'Dearmid presented the certificate of the County Court of Cumberland, allowing Ann Morrison, a pensioner of the State, forty dollars



for the present year. On motion, ordered that the said certificate be countersigned by the Speaker and sent to the Senate.

A message from the Senate, agreeing to postpone the balloting for a Public Treasurer until Monday next, as proposed by this House; and also to appoint a joint select committee on so much of the Governor's message as relates to the Tuscarora lands; and informing that Messrs. Pickett, Askew of Bertie, Davenport, Harrell and Beasley form the committee on their part.

On motion of Mr. Brevard,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the final settlement of the accounts of executors and administrators, in such manner as to secure the creditors a just and equal proportion of their debts and demands, according to their respective amounts, out of the assets in the hands of such executors and administrators; and that they report by bill or otherwise.

And on the motion of Mr. Alexander,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws, as to subject the assets in the hands of an executor or administrator to attachment.

Mr. Gilmore, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared William J. Cowan had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for one Engrossing Clerk. The message was concurred in, and the Senate informed that Mr. Barnard and Mr. Webb attend the Senate as a committee on the part of this House to superintend the balloting.

A message from the Senate, informing that Mr. Shober and Mr. M<sup>r</sup>-Eachin attend this House as a committee on their part to superintend the balloting for one Engrossing Clerk.

Mr. Gold presented the petition of John Hardcastle, Esq. and others, of the county of Rutherford, praying that the said Hardcastle be restored to the privileges of a citizen, which were forfeited by a conviction in the Superior Court of said county. Mr. Gold also presented the petition of Charles Lewis, of Rutherford county, on the subject of a public road passing through his land. Mr. Clayton presented the petition of Wm. Featherston and others, of the county of Buncombe, praying to be authorised to open a cart way to a public mill. These petitions were read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

Mr. Salmons presented the petition of John Powers; and Mr. Allen, of Buncombe, presented the petition of William Roberts, respectively praying to be divorced from their wives. These petitions were read, and, on motion, referred to the committee on Divorce and Alimony.

Mr. Neill presented the petition of a number of the citizens of Rutherford county, praying to be authorised to alter the direction of a public road, laid out by certain commissioners under the authority of an act passed at the last session of the Legislature; and Mr. Allen, of Buncombe, presented the petition of Thomas Sharp, of said county, praying to be placed on the pension list of the State. These petitions were read, and, on motion, ordered to be referred, the former to the committee on Internal Improvement, the latter to the committee of Claims.



The resignations of Reuben Walton, Lieutenant Colonel of Cavalry in the 16th brigade of militia; Samuel Mercer, Colonel of the 2d regiment of the 1st brigade of Infantry; John Windsor and Samuel Young, of Rockingham county; Samuel Mercer, of Camden county; Jacob Baldwin, of Ashe county; Wilham R. Reed, of Currituck county; Terrill Wilkins, of the county of Rutherford; William Gryen, of Martin county; William Thomas, of Richmond county; James Harper and J. Speight, of Greene county; J. M. Greenlee, of Burke county; and D. Griffin, of Lenoir county, Justices of the Peace, were read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

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SATURDAY, NOVEMBER 24, 1827.

Mr. Barnard, from the committee appointed to superintend the balloting for one Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

On motion of Mr. Bateman, ordered that a message be sent to the Senate, proposing to ballot immediately for one Engrossing Clerk, and informing that the names of Messrs. Hodges, Jasper, Covington and Lilly are withdrawn from the nomination.

Benjamin Sharp, one of the members of Edgecomb county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, agreeing to ballot immediately for one Engrossing Clerk, and informing that Mr. Burney and Mr. Neill form the committee on their part to conduct the balloting. On motion, ordered that a message be sent to the Senate, informing that Mr. Taylor and Mr. Brevard form the committee on the part of this House to superintend the balloting.

Mr. Moore presented the report of the commissioners appointed under direction of an act of the last session, on the practicability and probable expense of uniting the waters of Lockwoods Folly and the waters of Elizabeth River by a canal. The report was read, and, on motion, referred to the committee on Internal Improvements.

On motion of Mr. Glisson, ordered that a message be sent to the Senate, proposing that a balloting take place on Tuesday next for a Comptroller of the public accounts for the ensuing year, and informing that John L. Henderson, James Legrand, James Grant, David Stone, Jas Howze, John H. Green and Samuel Smith Downey are in nomination for the appointment.

Mr. Barnett presented the petition of Thomas Searcy, clerk of the Superior Court of Rockingham county, praying for the payment of the costs of a suit instituted in said court by the Adjutant General against General Bethell on behalf of the State. Ordered that the said petition be referred to the committee of Claims.

Mr. Taylor, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Thomas Dewes had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Donoho, ordered that a message be sent to the Sen-



ate, proposing to refer to a select joint committee so much of the Governor's message as relates to the Cherokee Lands; and informing that Mr. Donoho, Mr. Allen, of Buncombe, Mr. Allen, of Montgomery, Mr. Jones, of Rowan, and Mr. Bynum form the committee on the part of this House.

On motion of Mr. Montgomery, ordered that a message be sent to the Senate, informing that the name of Ambrose K. Ramsay is added to the nomination for Comptroller.

On motion of Mr. Perry,

*Resolved*, That the committee on Education be instructed to inquire into the state of the Literary Fund, and report to this House at an early day of the Session

A message from the Senate, informing of the assent of that House to ballot on Tuesday next for Comptroller, and informing that the name of Thomas Blackwell is added to the nomination.

Mr. Clayton presented the petition of Jane Wilson; and Mr. A. Williams presented the petition of Phebe M'Kaughan, of Guilford county, respectively praying to have property secured to them from the claim or disposition of their husbands. On motion, ordered that these petitions be referred to the committee on Divorce and Alimony.

Mr. White presented the following resolution:

*Resolved*, That all petitions, memorials and other papers addressed to the House, shall be presented by the Speaker or by a member in his place, a brief statement of the contents thereof shall be verbally made by the introducer, and the petition, memorial or other paper shall not be read, unless so ordered by the House.

The question to concur with the resolution passed in the negative.

On motion of Mr. Montgomery,

*Resolved*, That all resignations presented to and read in this House shall be considered as accepted without a question from the Chair, unless a question be called for.

Mr. Neill presented the petition of Samuel Patton, of Burke county, and others, praying, for reasons stated in the petition, that the said Patton be permitted to retail spirituous liquors free from tax. The petition was read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

On motion of Mr. Taylor,

*Resolved*, That the Speaker of the House assign suitable seats to one or more stenographers within the bar of the House.

The resignations of B. Wilkinson, Lieutenant Colonel of the second regiment, and W. R. Bullock, Major of the first regiment of the Edgecombe militia, and R. Pittman, justice of the peace for said county, were presented, read and accepted

On motion of Mr. Boykin,

*Resolved*, That a select committee, to be styled the Military committee, be appointed, and that Messrs. Boykin, Bateman, Sharpe, Hampton and Whitaker form the committee on the part of this House.

The House then, on motion, adjourned until Monday morning, 10 o'clock.

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MONDAY, NOVEMBER 26, 1827.

On motion of Mr. Spruill, ordered that Mr. Jones, of Warren, have leave of absence from Saturday last until Saturday next.

On motion, ordered that a message be sent to the Senate, informing that Mr. Mann and Mr. Wheeler wait on the Senate as a committee on the part of this House to superintend the balloting for Public Treasurer, and that the name of James Seawell is added to the nomination.



Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have the honor herewith to transmit the report of the commissioners appointed under the act of the last Session, which prescribed the mode of surveying and selling the lands acquired from the Cherokee Indians.

With high consideration, your ob't servant,

H. G. BURTON.

*Executive Department,* }

*Nov 20, 1827* }

On motion, ordered that the said communication be referred to the committee on the Cherokee Lands.

A message from the Senate, informing that Mr. Nuttall and Mr. Ramsay attend this House as a committee on their part to superintend the balloting for Public Treasurer.

Mr. Brittain presented the following resolution:

*Resolved*, That the Public Treasurer be directed to pay to Joseph Welch and Mark Coleman out of the fund set apart for Internal Improvements the sum of one hundred dollars, paid by them to William Gaston, of Newbern, for defending the suits in the Supreme Court, in which Euchella, Tunoguska, Cherokee Indians, were plaintiffs, and they were defendants.

On motion, ordered that the said resolution be referred to the committee of Claims.

A message from the Senate, informing that the name of Archibald M<sup>r</sup>. Nair is added to the nomination for Comptroller of Public Accounts.

A message from the Senate, informing that they had passed the engrossed bill to prevent the falling of timber in, or otherwise obstructing the run of Carraway creek, in Randolph county, and asking the concurrence of this House. The said bill was, on motion, read the first and second times, and the question, shall the said bill pass its several readings? was determined in the affirmative.

Mr. Bozman presented several depositions in relation to the seat of Abner N. Vail, one of the members returned from the county of Washington in this House. On motion, ordered that the said depositions be referred to the committee of Privileges and Elections.

Received from the Senate the following resolution:

*Resolved*, That a joint select committee be appointed to inquire into the expediency of amending and consolidating the several acts of the General Assembly respecting the Treasury Department; and that the said committee be instructed to examine the books of the Treasury, the monies in the Treasury Office, and the sums deposited in the different Banks to the credit of the State; and that Messrs Pickett, Owen, Speight of Greene, Wilson of Edgecomb, and Gray, form the committee on their part.

The said resolution was read and concurred in, and the Senate informed by message, that Messrs. Fisher, Spruill, Alexander, Morehead and White form the committee on the part of this House.

Mr. Mann, from the committee appointed to superintend the balloting for Public Treasurer for the ensuing year, reported that the committee had performed the duty assigned to them, and on examining the ballots, it appeared a majority of the whole number was in favor of John S. Haywood, who was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Wheeler,

*Resolved*, That the committee on Internal Improvements be, and they are hereby directed to inquire into the most practicable plan of opening a communication between the Albemarle Sound and the Atlantic Ocean.



On motion of Mr. Jones, of Rowan,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws on the subject of compensating prosecuting officers as to secure the fees due on the conviction of insolvents.

The bill to prevent the falling timber in or otherwise obstructing the run of Carraway creek, in Randolph county, was read the third time, and the question, shall the said bill pass its third and last reading? passed in the affirmative. Ordered that the said bill be enrolled.

Mr. Barnett presented the petition of John Pilcher, of Rockingham county; Mr. Hardy presented the petition of Olly Graves, of Paquotank county; Mr. Love presented the petition of Mary Bryant, of Haywood county; Mr. Blackledge presented the petition of Thomas Tuton; and Mr. Newland presented the petition of Hugh Reed, of Burke county, respectively, for reasons stated in their petitions, praying to be divorced. The said petitions were read, and, on motion, ordered to be referred to the committee on Divorce and Alimony.

Mr. Stewart presented the following resolution:

Whereas, much dissatisfaction prevails as regards the unequal operation of the laws now in force regulating the fisheries on the Roanoke and Cashie rivers, and the Albemarle Sound;

*Resolved therefore*, That this subject be referred to a committee of this House, composed of the members from Halifax, Bertie, Martin, Northampton, Washington, Hertford and Chowan, and that they have leave to report by bill or otherwise.

The question to concur with the said resolution was determined in the affirmative.

The resignation of John W. Roper, Colonel Cammandant of the 11th regiment of the 13th brigade of the militia; Thomas Tillett and H. W. Cotter, of Currituck county; Joseph Tripp, of Beaufort county; and Turner Pullen, of Wake county, justices of the peace, were presented, read and accepted.

On motion of Mr. Clayton, ordered that Mr. Allen, of Buncombe, have leave of absence from the services of this House for this day.

The House then adjourned until to-morrow morning, 10 o'clock.

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TUESDAY, NOVEMBER 27, 1827.

On motion, ordered that a message be sent to the Senate, informing that Mr. Stewart and Mr. Blackledge form the committee to conduct the balloting for a Comptroller of Public Accounts on the part of this House, that the name of Robert W. Goodman is added to the nomination, and that of Samuel Smith Downey is withdrawn.

On motion of Mr. Cooper,

*Resolved*, That a select joint committee, consisting of three members on the part of each House, be appointed to inquire and report to this House whether John M' Rae, of the town of Fayetteville, has complied with that part of the resolution of the last General Assembly for a loan of five thousand dollars to the said John M' Rae, to aid him in the publication of a map of the State, requiring him to execute a bond, with good and sufficient security, for the completion of said map under certain conditions.

*Resolved*, That Messrs. Cooper, Barnett and King form the committee on the part of this House.

A message from the Senate, informing that Mr. Speight of Greene, and Mr. Hinton form the committee on their part to superintend the balloting for a Comptroller of the Public Accounts.

On motion of Mr. Perry,



*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws relative to administrators, as to enable them to rent out the lands of their intestates from the death of the intestate until a guardian is appointed to the heirs at law, and further to enable administrators and executors to receive all sums of money in the hands of Clerks and Masters in Equity, arising from the sale of the lands of their testators or intestate by a decree of the Courts of Equity, and to report by bill or otherwise.

Mr. Benners moved for leave and presented a bill to authorise the building of a bridge across Neuse river at the place therein mentioned, and for other purposes. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

On motion of Mr. Foy,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the arranging, revising and digesting the whole body of public and statute law of North-Carolina, commencing with the earliest English statute in force in this State, and for the compiling under one head all laws and clauses of laws in force on any one subject, with references to the year when such laws were passed; and that they report by bill or otherwise.

Mr. Stewart, from the committee appointed to superintend the balloting for a Comptroller, reported that the committee had performed that duty; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again for a Comptroller of public accounts. The message was concurred in, a committee appointed, consisting of Mr. Gary and Mr. Hardy, to conduct the balloting on the part of this House, and the name of David Stone withdrawn from the nomination, and the senate informed thereof by message.

On motion of Mr. Bynum,

*Resolved*, That the committee of Finance be instructed to examine into all disbursements of the public money within the preceding fiscal year, for the purpose of ascertaining whether such disbursements have been made under proper authority, and whether there have been made any improvident or improper disbursements by reason of any misconception or defects in the law, which may require legislative interposition; and that they be required to report to this House the result of said inquiry.

A message from the Senate, informing that Mr. Speight, of Greene, and Mr. Hinton form the committee on their part to superintend the balloting for Comptroller.

On motion of Mr. Allen, of Montgomery,

*Resolved*, That a select committee be appointed to inquire into the expediency and necessity of establishing a medical board in this State, for the purpose of granting licenses to persons hereafter wishing to engage in the practice of medicine; and that the said committee report by bill or otherwise; and that Messrs. Allen of Montgomery, Hardy, Washington and Glasgow form this committee.

Mr. Gary, from the committee appointed to superintend the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report, was determined in the affirmative. On motion of Mr. Gary, ordered that a message be sent to the Senate, proposing to ballot again for Comptroller.

On motion of Mr. Brevard,

*Resolved*, That the committee on Military Affairs inquire into the expediency of so altering the militia laws compelling officers commanding companies to exercise their respective companies three hours on each parade day, to one hour; and that they report by bill or otherwise.

A message from the Senate, informing of the assent of that House to ballot immediately for comptroller, and that Mr. Franklin and Mr. Askew, of Bertie, attend this House as a committee, on their part, to superintend



the balloting. On motion, ordered that the Senate be informed by message that Mr. Borden and Mr. Love form the committee on the part of this House, to superintend the balloting.

Received from his excellency the Governor, by his private Secretary Mr. Campbell, the following communication:

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN,—I have the honor herewith to transmit the reports relative to the swamp lands, communicated to the Board of Internal Improvements by the gentlemen who have been employed in surveying them.

The Board cannot close their general report before they shall have received their accounts and vouchers from below Wilmington, and shall have also closed the accounts of the expenditures relative to the swamp lands.

In that general report, they contemplate offering their views to the Legislature as to what swamps should be selected, on the best mode of draining them, and on other points intimately connected with this subject.

With high consideration, I have the honor to be your obed't serv't.

H. G. BURTON.

*Executive Department, N. C. 27th Nov. 1827.*

On motion of Mr. Fisher, ordered that the said message and accompanying documents be sent to the Senate, with a message that they be printed, three copies for each member.

William Watts Jones, one of the members of New Hanover county, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Taylor,

*Resolved*, That the committee on Military Affairs be directed to inquire into the expediency of so amending the present laws, as to reduce the number of petty musters in each year to one; and for that muster to precede the general muster by a period not exceeding three months.

Mr. Love, from the committee appointed to conduct the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that it appeared, from an examination of the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Comptroller. The message was concurred in, and the Senate informed by message that Mr. Hill of Wilmington and Mr. Scott attend the Senate as a committee on the part of this House to superintend the balloting.

Abner N. Vail, one of the members of Washington county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, informing that Mr. Alexander and Mr. Bailey attend this House as a committee on their part to superintend the balloting for Comptroller.

On motion of Mr. Fisher,

*Resolved*, That the committee on Internal Improvements inquire into the expediency of causing a survey to be made, with the view of ascertaining the best line for a rail road from some point on the Yadkin river above the Narrows to the town of Fayetteville; and that they report by bill or otherwise.

Mr. Alexander presented the petition of James W. Mills, of Mecklenburg county; and Mr. Little, the petition of Winfred Everett, of Anson county, respectively praying to be divorced. On motion, ordered that these petitions be referred to the committee on Divorce and Alimony.

Mr. Clayton presented the petition of sundry citizens of the county of Buncombe, praying for the alteration of one of the lines circumscribing the limits of the first and second regiments in said county. Mr. Allen, of Buncombe, presented the petition of sundry citizens of Buncombe county



and the adjoining counties in this State, and also of sundry citizens of the State of Tennessee, on the subject of keeping open and in repair the road leading from Allen's chartered road, in Tennessee, to Barnett's Station, in this State, &c. These petitions were read, and, on motion, referred, the former to the Military committee, the latter to the committee on Internal Improvements.

Mr. Cox presented the petition of John M'Daniel, of Jones county, praying to be restored to the privileges forfeited in consequence of a conviction of petit larceny. On motion, ordered that said petition be referred to the committee of Propositions and Grievances.

Received from the Senate, a message, that they had passed the engrossed bill, entitled "a bill to restore to credit John Castevens, of Surry county," and asking the concurrence of this House. The said bill was read for the first, second and third readings in this House, and the question shall the said bill pass its several readings? was determined in the affirmative. On motion, ordered that the said bill be enrolled.

On motion of Mr. Webb,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the law on the subject of Divorce and Alimony, as to give exclusive jurisdiction to the Superior Courts on those subjects.

The bill to authorise the building of a bridge across Neuse river at the place therein mentioned, and for other purposes, was read the second time, and the question, shall the said bill pass its second reading? was determined in the affirmative.

Mr. Benners presented a bill to repeal an act of the General Assembly, passed in the year 1816. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Morehead presented a bill to subject bail to costs. The said bill was read, and, on motion of Mr. Gary, ordered to be referred to the committee on the Judiciary.

The resignation of James White, justice of the peace for the county of Sampson, was presented, read and accepted.

On motion of Mr. Spruill, ordered that a message be sent to the Senate, proposing that so much of the Governor's message of the 22nd inst. as relates to the exchange of laws, be referred to the Library committee.

The House then adjourned until to-morrow morning, 10 o'clock.

#### WEDNESDAY, Nov. 28, 1827.

Mr. Hill, of Wilmington, from the committee appointed to superintend the balloting for Comptroller, reported that the committee had performed that duty; and that, on examining the ballots, it appeared that neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Busbee, ordered that a message be sent to the Senate, proposing to ballot this morning for Comptroller.

A message from the Senate, consenting to ballot for Comptroller this morning, and informing that Mr. Hinton and Mr. Reinhardt attend this House as a committee on their part to conduct the balloting.

On motion, ordered that the Senate be informed by message, that Mr. Busbee and Mr. Leonard form the committee of superintendence of the balloting for Comptroller on the part of this House.

On motion of Mr. Alexander, ordered that a message be sent to the



Senate, proposing to ballot on Monday next for a Brigadier General of the 14th brigade, to supply the vacancy occasioned by the death of Gen. Covington.

Mr. Hardy moved for leave, and presented a bill to establish a poor house in the county of Pasquotank. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Troy, with leave, presented a bill making it the duty of Major Generals to review the second regiment of Randolph militia at their usual muster grounds. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, agreeing to the proposition of this House to have printed the communication of the Governor in relation to the swamp and marsh lands, and the accompanying documents.

Mr. Boykin, with leave, presented a bill to compel the officers of Sampson county to hold their respective offices at the Court House. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill to keep open the Tuckaseegee river, the Tennessee river, and their tributary streams, in the county of Haywood, and asking the concurrence of this House.

Mr. Leonard, from the committee appointed to conduct the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Comptroller. The message was agreed to, and the Senate informed that Mr. Lewis and Mr. Speller form the committee of superintendence on the part of this House.

A message from the Senate, informing that Mr. Brodnax and Mr. Holoman attend this House as a committee on their part to superintend the balloting for Comptroller.

The engrossed bill to keep open the Tuckaseegee river, the Tennessee river, and their tributary streams, in the county of Haywood, was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The bill to authorise the building a bridge across Neuse river, at the place therein mentioned, and for other purposes, was read the third time, and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to establish a poor house in the county of Pasquotank, was read the second and third times, and the questions shall the said bill pass its several readings? were determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Received from the Senate, a resolution assigning certain rooms in the State House to the use of the Engrossing Clerks and Door-keepers. The resolution was read and concurred in.

Mr. Allen, of Buncombe, presented the petition of William Justice, of



Buncombe county, praying, for reasons stated in his petition, to be divorced from his wife Esther; and Mr. Donoho presented the petition of Susanna Suddath, of Caswell county, praying to have secured to her such property as she may acquire, free from the claim or disposition of her husband. These petitions were read, and, on motion, referred to the committee on Divorce and Alimony.

Mr. Lewis, from the committee appointed to conduct the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Lewis, ordered that a message be sent to the Senate, proposing to ballot again immediately for Comptroller.

Mr. Brittain presented the petition of Thomas Brown, of Haywood county, praying to be authorised to erect two gates across a public road passing through his land. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

A message from the Senate, consenting to ballot for Comptroller, and informing that Mr. Williams of Martin and Mr. Franklin form the committee on their part to superintend the balloting. On motion, ordered that the Senate be informed by message that Mr. Marshall and Mr. Burke wait on the Senate as superintendents of the balloting on the part of this House.

On motion of Mr. Perry,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of aiding, by a grant of money, in the completion of a road from Hertford, in Perquimons county, to the mouth of the Dismal Swamp Canal; and also of a road from Hertford to Elizabeth City; and that they report by bill or otherwise.

On motion of Mr. Hill, of Wilmington,

*Resolved*, That the committee on Public Buildings be instructed to inquire into the propriety of providing suitable furniture for the Conference Chamber, and of making the necessary repairs in said Chamber; and that they report by resolution, bill or otherwise.

Mr. Marshall, from the committee appointed to conduct the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Comptroller. The message was concurred in, and the Senate informed that Mr. Jones of Rowan and Mr. Montgomery attend the Senate as a committee of superintendence of the balloting on the part of this House.

A message from the Senate, informing that Mr. Sherard and Mr. Sal-year form the committee on their part to superintend the balloting for Comptroller.

The bill making it the duty of major generals to review the second regiment of Randolph militia at their usual muster ground, was read the second time and passed. On motion, the said bill was read the third time, and the question, shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion of Mr. Smith,

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of so amending the militia laws of this State as to compel the people called Qua-



kers, Moravians, Menonists and Dunkards to bear arms or pay an equivalent for exemption, and report by bill or otherwise.

The bill to compel the officers of Sampson county to hold their respective offices at the court house, was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question, shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to repeal an act of the General Assembly, passed in the year 1816, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

The resignations of John Wiley, colonel of the regiment of cavalry attached to the 16th brigade; Jesse H. Simmons, colonel commandant of the second regiment of the Halifax militia; David Underwood and Archibald Calquehoun, of Sampson county; A. Vanhoy, of Stokes county; and Robert B. Davis, of Washington county, justices of the peace, were presented, read and accepted.

Received from the Senate, a message, agreeing to refer that part of the Governor's message of the 22d instant, which relates to the interchange of laws, to the joint select committee on the Public Library; and also agreeing to the proposition of this House to ballot on Monday next for a brigadier general of the 14th brigade, to supply the vacancy occasioned by the death of General Covington.

Received from the Senate, a message, informing of the dissent of that House to appoint a select joint committee of both Houses, to inquire and report whether John M'Rae, of the town of Fayetteville, has complied with that part of the resolution of the last General Assembly for a loan of five thousand dollars to aid him in the publication of a map of the State, requiring him to execute a bond with good and sufficient security for the completion of said map, under certain conditions, and proposing that the said subject or inquiry be referred to the committee of Finance.

The question to concur with the reference made by the Senate, passed in the affirmative, and the Senate was informed thereof by message.

The House then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, NOVEMBER 29, 1827.

Mr. Jones, of Rowan, from the committee appointed to superintend the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report, was determined in the affirmative. On motion of Mr. Cooper, ordered that a message be sent to the Senate, proposing to ballot immediately for Comptroller.

On motion of Mr. Cox,

*Resolved*, That a select committee, consisting of five members of this House, be appointed, and directed to inquire into the expediency of amending the existing patrol laws of this State; and that they report by bill or otherwise.

*Resolved*, That Messrs. Cox, Speller, N. G. Smith, Borden and Troy form this committee.

A message from the Senate, informing that Mr. Beasley and Mr. Montgomery attend this House as superintendents on their part of the balloting for Comptroller. On motion, ordered that the Senate be informed by message that Mr. Scott and Mr. Tillett form the committee on the part of this House to superintend the balloting for Comptroller.



Mr. Gold, in pursuance of a petition, presented a bill to repeal an act, passed in the year 1826, appointing commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

On motion of Mr. Bynum,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing by law, for a certain number of peremptory challenges in all capital pleas of the State.

Received from the Senate, a resolution, authorising the joint select committee, appointed to examine the accounts of the Treasury, to send for persons and papers, and to use all necessary means to insure a full and fair investigation of the subject to them committed. The resolution was read and concurred in, and returned to the Senate.

Received from the Senate, a resolution for the purpose of raising a select joint committee, to inquire whether this Legislature can consistently permit any part of the territory within the chartered limits of this State, to be erected into a separate State, or part of a State, which will not be amenable to the Constitution and laws of this State, or of the United States. *Resolved further*, That said committee be instructed to inquire whether the Legislature of this State possess the power to extend its jurisdiction and laws to all persons of whatsoever description, who reside within its chartered limits. The resolution was read, concurred in, and a committee appointed, consisting of Mr. W. W. Jones, Mr. Settle, Mr. Blackledge, Mr. Jones of Warren and Mr. Benners, on the part of this House.

Mr. Scott, from the committee appointed to superintend the balloting for Comptroller, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Newland, ordered that a message be sent to the Senate, proposing to ballot again immediately for Comptroller.

A message from the Senate, informing of the consent of that House to ballot immediately for Comptroller, and that Mr. Davenport and Mr. Burney form the committee of superintendence of the balloting on their part.

On motion, ordered that the Senate be informed by message, that Mr. White and Mr. Bozman form the committee to superintend the balloting for Comptroller on the part of this House.

Mr. White, from the committee appointed to superintend the balloting for Comptroller, reported that the committee had performed that duty, and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Jones, of Warren, ordered that a message be sent to the Senate, proposing to ballot again immediately for Comptroller.

A message from the Senate, informing of the assent of that House to ballot immediately for Comptroller.

On motion, ordered that the Senate be informed by message, that Mr. Marshall and Mr. Seawell form the committee to conduct the balloting for Comptroller on the part of this House.



Mr. Gold, with leave, and in pursuance to a petition, presented a bill to alter the names of Lindsea Green Jenkins and Edward Tidwell, orphans, of the county of Rutherford. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Neill presented a bill compelling the Sheriff of Burke county to give written summonses to jurors; which was read the first time and passed.

Mr. Marshall, from the committee appointed to conduct the balloting for Comptroller, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Gary, ordered that a message be sent to the Senate, proposing to ballot again immediately for Comptroller.

The name of John Green, on the motion of Mr. Stedman, was withdrawn from the nomination for Comptroller.

A message from the Senate, informing of the assent of that House to ballot immediately for Comptroller, and informing that Mr. Shober and Mr. M'Millan attend this House as a committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Barnard and Mr. Underwood form the committee of superintendence of the balloting for Comptroller on the part of this House.

A message from the Senate, informing that they had passed the engrossed bill to legitimate Duncan Melvin and others, of the county of Bladen, and asking the concurrence of this House. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

On motion of Mr. Morehead, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Saturday next for a Governor of the State for the ensuing year, and informing that James Iredell and Richard D. Spaight are in nomination for the appointment.

Mr. Boykin, from the Military committee, to whom was referred the petition of Reuben Ballard, and others, of Buncombe county, reported that the committee had had the said petition under consideration, and instructed him to report a bill in conformity with the prayer thereof, entitled "a bill to alter the boundary line between the first and second regiments of Buncombe militia." The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Harper, with leave, presented a bill to amend an act, entitled "An act to establish an Academy in the town of Snow Hill, in the county of Greene," passed in the year 1812, chapter 94; and Mr. Allen, of Buncombe, presented a bill repealing an act, passed in 1819, chapter 790, entitled "An act fixing the sum hereafter to be paid to the State for vacant lands." The said bills were read each for their first readings, and the questions, shall the said bills pass? were determined in the affirmative.

Mr. Barnard, from the committee appointed to superintend the balloting for Comptroller, reported that the committee had performed the duty assigned to them; and that, on examination of the ballots, a majority of the whole number was found to be in favor of James Grant, who was duly



elected. The question to concur with the report was determined in the affirmative.

The resolution directing the committee on Public Buildings to inquire into the propriety of providing suitable furniture for the Conference Chamber, &c. was returned from the Senate, concurred in.

Mr. Settle, with leave, presented a bill to give jurisdiction to the Superior Courts in certain cases. The said bill was read, and, on the motion of Mr. Morehead, referred to the committee on the Judiciary.

The engrossed bill to keep open the Tuckasegee river, the Tennessee river, and their tributary streams, in the county of Haywood, was read the second and third times, and the question, shall the said bill pass its several readings, was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to repeal an act of the General Assembly, passed in the year 1816, was read the third time, and the question, shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Leonard presented the petition of Jonathan Bryan, of Wilmington; and Mr. Marshall presented the petition of Elizabeth Burgess, respectively praying to be divorced. Ordered that these petitions be referred to the committee on Divorce and Alimony.

Mr. Love presented the petition of sundry citizens of Haywood county, praying for the appropriation of one thousand dollars to open a road; and Mr. Fisher presented the petition of John B. Ogg, of the town of Norfolk, in the State of Virginia, praying that certain certificates in his possession, issued by the commissioners appointed to settle the claims of the officers and soldiers of the line of this State in the war of the revolution, be taken up and paid by the State. These petitions were read, and the former referred to the committee on Internal Improvements, the latter to the committee of Claims.

The resignation of Britton Jones, of Camden county, justice of the peace, was presented, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, NOVEMBER 30, 1827.

Mr. Newland, from the committee on Divorce and Alimony, to whom was referred the petition of Phebe M'Kaughan, of Guilford county, reported that the committee, according to order, had had the said petition under consideration, and instructed him to report a bill in pursuance to the prayer of the petition, entitled "a bill to secure to Phebe M'Kaughan, of Guilford county, such property as she may hereafter acquire," and to recommend its passage. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

The bill to alter the boundary line between the first and second regiments of Buncombe militia, was read the second and third times, and the question, shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to amend an act, entitled "An act to establish an Academy in the town of Snow Hill, in the county of Greene," passed in the year 1812, chapter 94, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.



Mr. Bynum, from the committee of Claims, to whom was referred the petition of Thomas Searcy, Clerk of the Superior Court of the county of Rockingham, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill in pursuance to the prayer of the petition, entitled "a bill to authorise the Public Treasurer to pay to Thomas Searcy, the costs of a suit wherein the State was plaintiff and Gen. Wm. Bethell, defendant." The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

The bill repealing an act, passed in 1818, chapter 790, entitled "An act, fixing the sum hereafter to be paid to the State for vacant lands," was read and ordered to be laid on the table.

Received from the Senate, the certificate of the Clerk of Chowan County Court, in favor of Elenor Truelove, allowing her the usual pension of ninety dollars for the present year, countersigned by the Speaker. The said certificate was read, and, on motion, ordered to be countersigned by the Speaker of this House, and returned to the Senate.

The bill to repeal an act, passed in the year 1826, appointing commissioners to lay off and cause to be opened, a public road from Lincolnton to Rutherfordton; also the bill to alter the names of Lindsea Green Jenkins and Edward Tidwell, orphans, of the county of Rutherford; and also the bill compelling the Sheriff of Burke county to give written summonses to jurors, were respectively read the second time, and the questions, shall the said bills pass? were determined in the affirmative.

Mr. Eccles presented the certificate of the County Court of Cumberland, in favor of Isabella Campbell, a pensioner of the State, allowing her a pension of forty dollars for the present year. The said certificate was read and ordered to be countersigned by the Speaker, and sent to the Senate for concurrence.

A message from the Senate, informing of the disagreement of that House to the proposition to ballot on Monday next for Governor of the State for the ensuing year; and proposing that the Governor be balloted for on Tuesday next. The proposition was concurred in, and the Senate informed thereof by message.

On motion of Mr. Scott,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing more effectually for the payment of jailors' fees; and that they have leave to report by bill or otherwise.

Mr. Cooper presented the following resolution:

*Resolved*, That the Clerk of this House be compelled to read all petitions, which accompany bills to legitimate children, without a special order of the House.

The question to concur with the said resolution, was determined in the negative.

A message from the Senate, informing that they had passed an engrossed bill to authorise the County Court of Hyde to order all deeds, bills of sale, divisions of lands and other instruments of writing that have been lost by fire, or otherwise destroyed in the register's office, to be registered anew, and for other purposes, and asking the concurrence of this House. The said bill was read for its first reading, and the question shall the said bill pass its first reading? was determined in the affirmative.

The bill to alter the names of Lindsea Green Jenkins and Edward Tidwell, orphans, of the county of Rutherford; also the bill compelling the



sheriff of Burke county to give written summonses to jurors; also the bill to amend an act, entitled "an act to establish an academy in the town of Snow Hill, in the county of Greene," passed in the year 1812, chapter 94; and also the bill to repeal an act, passed in the year 1826, appointing commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton, were respectively read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate for concurrence.

Mr. Leonard, with leave, presented a bill to repeal the several laws of this State relative to the inspection of produce. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The bill to secure to Phœbe M'Kaughan, of Guilford county, such property as she may hereafter acquire; and also the bill authorising the Public Treasurer to pay to Thomas Searcy, clerk of the Superior Court of Rockingham county, the costs of a suit wherein the State was plaintiff and General Wm. Bethell defendant, were each read the second time, and the questions shall the said bills pass their second reading? were determined in the affirmative.

Mr. Hill, of the town of Wilmington, from the committee on Internal Improvements, to whom was referred the petition of sundry inhabitants of the county of Buncombe, praying that a road leading from Allen's chartered road, in Tennessee, to Barnett's Station, and from thence to the widow Baird's, near Asheville, in said county, be erected into a turnpike road, reported that the committee, according to order, had had the said petition under consideration, and instructed him to report a bill to carry into effect the prayer of the petition, entitled "a bill to establish a turnpike road in the county of Buncombe." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Hill also made reports from the same committee on the resolution referred to them, directing their inquiries as to the expediency of aiding, by a grant of money, the completion of a road from Hertford, in Perquimons county, to the mouth of the Dismal Swamp Canal; and also of a road from Hertford to Elizabeth City; on the petition of sundry citizens of the Tuckasuga Valley, in the county of Haywood, praying for the appropriation of a thousand dollars, for the purpose of opening a road over the Blue Ridge; and also on the petition of a number of the citizens of Burke, praying for the appropriation of one thousand dollars, to be applied to the opening and improving a road called the South Mountain Ridge Road, leading from the county of Burke to the county of Rutherford, reported that the committee, according to order, had considered the said resolution and petitions, and instructed him to recommend that they be rejected. The question to concur with the report was determined in the affirmative.

The resignation of Oliver W. Holland, Colonel Commandant of the first regiment of the militia of Lincoln county, was presented, read and accepted.

The engrossed bill to legitimate Duncan Melvin and others, of the county of Bladen, was read the second time, and the question shall the



said bill pass? was determined in the negative—yeas 31, nays 94. The yeas and nays called for by Mr. Webb.

Those who voted in the affirmative, are Messrs. Blackledge, Borden, Boykin, Bozman, Donoho, Ellis, Gilmore, Glisson, Gold, Gordon, Hodges, Kerr, Leonard, Love, Marshall, Montgomery, Morehead, M'Millan, Nelson, Neill, Salmons, Seawell, Shine, Simmons, Stephens, Stockard, Underwood, Vail, Wadsworth, Wheeler, Wilkin—31 yeas.

Those who voted in the negative, are Messrs. Adams, Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Ball, Barnard, Barnhardt, Barnett, Battle, Bateman, Benners, Blackwood, Blount, Boon, Brevard, Brittain, Burke, Busbee, Bynum, Byrum, Cherry, Clayton, Conrad, Cooper, Cox, Davenport, Dickinson, Douglass, Dozier, Eccles, Falls, Fisher, E. Foy, F. Foy, Gary, Gillespie, Glasgow, Hampton, Harper, Hardy, Hastings, Hill, Hough, Jackson, Jasper, W. W. Jones, H. C. Jones, King, Lawson, Lewis, Lilley, Little, Mann, Mitchell, Moore, M'Dairmid, M'Lean, M'Nair, Newland, Patterson, Perry, Plummer, Pool, Percell, Riddick, Rhodes, Roberts, Ruffin, Scott, Settle, Sharpe, Simpson, Smith, Speller, Spruill, W. W. Stedman, Stewart, Styron, Summers, Taylor, Thomas, Tillet, Troy, R. Walker, H. Walker, Washington, Webb, White, Whitfield, Whitaker, Wilder, E. Williams, A. Williams—94 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 1, 1827.

On motion of Mr. Neill, ordered that a message be sent to the Senate, proposing to ballot on Friday next for Brigadier General of the 15th brigade, and informing that Athan A. M'Dowell and Merritt Burgin are in nomination for the appointment.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petitions of M. Featherston and others, of the county of Buncombe, and of John Hardcastle, of Rutherford county, reported that the committee, according to order, had had the said petitions under consideration, and instructed him to report that it is inexpedient to grant the prayers thereof. The question to concur with the report was determined in the affirmative.

Mr. Fisher, with leave, presented a bill concerning the State Bank of North Carolina. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative. By order of the House the said bill was read the second and third times, and the question, shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Troy, with leave, presented a bill extending the jurisdiction of justices of the peace in criminal cases; Mr. Ellis presented a bill regulating the time and places, when and where the Treasurer shall execute his official bond; and Mr. Boon presented a bill prescribing the time within which deeds and conveyances in trust shall hereafter be recorded and registered. These bills were respectively read, and, on motion, referred to the committee on the Judiciary.

Mr. Allen, of Buncombe, presented the petition of Mary Thompson, praying for permission to emancipate a slave for meritorious services. On motion, ordered that the said petition be referred to the committee on the Judiciary.

Mr. Stewart, with leave, presented a bill to amend an act, entitled "an act to establish an academy at Williamston, in the county of Martin, passed in the year 1816. The said bill was read the first time, and



the question, shall the said bill pass? was determined in the affirmative.

The bill to authorise the Treasurer to pay to Thomas Searcy the costs of a suit wherein the State was plaintiff and General William Bethell defendant, was read the third time, passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Glisson,

*Resolved*, That all resolutions, the object of which is to draw money out of the Public Treasury, shall be read three times in each branch of this Legislature before they take effect, and shall not be read more than twice on the same day.

Sent to the Senate for concurrence.

On motion of Mr. Glisson, a committee to examine Enrolled Bills was appointed, consisting of Mr. Glisson, Mr. Barnard, Mr. Little and Mr. N. Stedman.

Mr. Barnett, who voted in the majority on the rejection of the bill yesterday to legitimate Duncan Melvin and others, of the county of Bladen, now moved that the House do reconsider that vote. The question thereon passed in the affirmative, and the said bill, on motion, was ordered to lie on the table.

The certificate of the County Court of Warren, in favor of Elizabeth Harris, allowing her a pension of ninety dollars for the present year, received from the Senate, was read, and, on motion, ordered to be countersigned by the Speaker and returned to the Senate.

A message from the Senate, informing that they had passed the engrossed bill to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this State, and to provide for the deposit and safe keeping of said bonds; and also the engrossed bill, entitled a bill to alter the times of holding the Courts of Pleas and Quarter Sessions of Duplin county, and asking the concurrence of this House.

The engrossed bill to alter the times of holding the Courts of Pleas and Quarter Sessions of Duplin county; and the engrossed bill to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this State, and to provide for the deposit and safe keeping of said bonds, received from the Senate, were read the first time, and the questions, shall the said bills pass? were determined in the affirmative. On motion, ordered that the latter bill be referred to the committee on the Judiciary.

Received from the Senate, a resolution, directing the Secretary of State to issue to the heirs of Jesse Henly, deceased, late of Randolph county, a grant agreeably to a warrant, No. 52, issued by the entry taker of said county, to Abraham Elliot, senr. and transferred by said entry-taker to said Henly, on which a grant has not heretofore issued, in consequence of an irregularity in said transfer. The said resolution was read and concurred in.

The bill to secure to Phœbe M'Kaughan, of Guilford county, such property as she may hereafter acquire, was read the third time, and the question, shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be engrossed, and sent to the Senate for concurrence.

Mr. Glisson, in pursuance to a petition, moved for leave, and presented a bill to alter the name of Henry Rogers, of Duplin county, and to legitimate him. The said bill was read for its first, second and third



readings, passed, and, on motion, ordered to be engrossed, and sent to the Senate for concurrence.

The bill to amend an act, entitled "an act to establish an academy at Williamston, in the county of Martin," passed in the year 1816, was read for its second and third readings; and the question, shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The bill to establish a Turnpike Road in the county of Buncombe, was read the second time and passed. On motion, ordered that the said bill lie on the table.

Mr. Newland, with leave, presented a bill to alter an act, to amend the fourth section of an act, passed in the year 1804, fixing the time for paying the purchase money into the Treasury on entries of lands. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that the name of William Polk is added to the nomination for Governor of this State for the ensuing year; and of the assent of the Senate to ballot on Friday next for Brigadier General of the 15th brigade.

Mr. N. A. Stedman presented the following resolution:

*Resolved*, That a copy of the numbers over the signature of Carlton, in relation to rail roads, be printed, one copy for each member of this General Assembly.

The question to concur with the resolution, was determined in the negative.

Mr. A. Williams presented the following resolution:

*Resolved*, That a select committee be appointed to inquire into the expediency of repealing the general Ticket law, as respects the election of Electors to vote for President and Vice President of the United States; and that they report by bill or otherwise.

On motion, ordered that the said resolution be laid on the table.

On motion of Mr. Vail.

*Resolved*, That the Judiciary committee inquire what further provision ought to be made by law, in order to secure to the trustees of the University all such sums of money or other estate which may be recovered by them, by virtue of the laws vesting escheated property in them, for the use and benefit of the University of North-Carolina, and report by bill or otherwise.

Mr. Little presented a bill, granting to the Superior Courts of Anson original and exclusive jurisdiction in all cases where the intervention of a jury is necessary. The said bill was read, and, on motion, ordered to be referred to the Judiciary committee.

The bill to authorise the County Court of Hyde to order all deeds, bills of sale, division of lands and other instruments of writing that have been lost by fire, or otherwise destroyed in the Register's office, to be registered anew, and for other purposes, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

The resignation of Joshua Mosely, Colonel Commandant of the Lenoir regiment of militia, was presented, read and accepted.

The House then adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 3, 1827.

A message from the Senate, proposing to ballot this morning for a Public Printer, and informing that Lawrence & Lemay are in nomination for the appointment, concurred in, and the Senate informed thereof by message.



Otway Burns, one of the members of Carteret county, appeared, produced his certificate, was qualified and took his seat.

Mr. Benners presented the resignation of John Stanly, the member elected for the town of Newbern. The resignation was read and accepted.

On motion of Mr. Benners, ordered that a writ of Election issue to the Sheriff of Craven county, commanding him to hold an election on Friday the 7th instant, for a member to supply the vacancy aforesaid.

On motion, ordered that a message be sent to the Senate, informing that Mr. Adams and Mr. M'Millan form the committee to superintend the balloting for Brigadier General for the 14th brigade, and that Messrs. Archibald M'Eachin, Reading Anderson, Alfred Dockery and Walter F. Leak are in nomination for the appointment.

On motion, ordered that a message be sent to the Senate, informing that the name of John Stanly is added to the nomination for Governor.

A message from the Senate, proposing to ballot to-morrow for Major General of the 7th division, and informing that Micajah T. Hawkins is nominated for the appointment. The message was disagreed to, and a message ordered to be sent to the Senate, proposing to ballot for that officer on Thursday next.

The bill to establish a Turnpike Road in the county of Buncombe, was read, and, on motion, ordered to be referred to the committee on Internal Improvements.

The engrossed bill to authorise the County Court of Hyde to order all deeds, bills of sale, division of lands and other instruments of writing that have been lost by fire, or otherwise destroyed in the Register's office, to be registered anew, and for other purposes, was read the third time, and the question, shall the said bill pass and be enrolled? was determined in the affirmative.

Mr. Borden, with leave, presented a bill to repeal part of an act of the General Assembly of this State, entitled "An act to prevent the destruction of oysters, and for other purposes," passed in the year 1822. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

On motion of Mr. Frederick Foy,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws relative to widows, as to enable them to clear and improve their dowers in lands, when it shall be thought an advantage to themselves and children; and report by bill or otherwise.

Mr. Plummer presented the petition of John Faust, praying to be divorced from his wife. On motion, ordered that the said petition be referred to the committee on Divorce and Alimony.

On motion of Mr. Smith, ordered that a message be sent to the Senate, proposing to raise a select committee, whose duty it shall be to inquire into the expediency of instructing the Board of Internal Improvements to cause a survey to be made from Newbern to Salisbury, on the most direct and practicable route for a rail road, so as to pass through Raleigh; which survey shall be completed by the meeting of, and that report thereof be made to the next General Assembly, with the probable cost and expenditures per mile; the expense of which survey shall be defrayed out of the public funds now set apart for Internal Improvements.

The bill to repeal the several laws of this State, relative to inspection of produce, was read, and, on motion, referred to the committee on the Judiciary.



Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas Brown and others, of the county of Haywood, reported favorably to the prayer of the petition, recommending the passage of a bill, authorising Thomas Brown, of the county of Haywood, to erect and keep up for one year, two gates across the public road leading from Franklin down the Tennessee river. The said bill was read for its first and second readings, and the questions, shall the said bill pass? were determined in the affirmative.

The resignation of Francis H. Reeder, Colonel Commandant of the first regiment of the Wake militia, was read and accepted.

On motion, ordered that a message be sent to the Senate, proposing to ballot on Saturday next for Brigadier General of the 16th brigade, and informing that the names of Obediah Falconer, Bedford Brown and Thomas N. Norman, are in nomination for the appointment.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have the honor herewith to transmit you the annual report of the Board of Internal Improvements, accompanied by a statement of the accounts of the Board; a report of Mr. Nash, our Civil Engineer, on certain canal routs between Neuse river and Beaufort harbor; and a report of the superintendent of the works below Wilmington.

I have the honor to be, &c.

H. G. BURTON.

The said communication was read, and, on motion of Mr. Gary, ordered to be sent to the Senate, with a proposition that the documents accompanying, be printed, one copy for each Member.

The House then, on motion, adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, DECEMBER 4, 1827.

A message from the Senate, informing that Mr. Ward and Mr. Franklin attend this House as a committee on their part to superintend the balloting for Governor.

On motion, ordered that the Senate be informed by message that Mr. Taylor and Mr. Burns form the committee on the part of this House to superintend the balloting for Governor.

The bill to alter the times of holding the Courts of Pleas and Quarter Sessions of Duplin county, was read the second time, and the question, shall the said bill pass? was determined in the negative—yeas 32, nays 89. The yeas and nays called for by Mr. Gillespie.

Those who voted in the affirmative, are Messrs. Allen of Montgomery, Ball, Barnard, Battle, Bateman, Boykin, Bozman, Burke, Busbee, Cooper, E. Foy, Gary, Gillespie, Hardy, Hodges, Jackson, Kerr, Leonard, Lilly, Moore, Newland, Jo. Neill, Patterson, Riddick, Simpson, W. W. Stedman, Stephens, Stockard, Tillett, Underwood, Wilder, E. Williams—32 yeas.

Those who voted in the negative, are Messrs. Adams, Alexander, Allen of Buncombe, Baker, Barnhardt, Barnett, Benners, Blackledge, Blackwood, Blount, Boon, Borden, Breward, Brittain, Bynum, Byrum, Cherry, Clayton, Clement, Conrad, Davenport, Dickinson, Donoho, Douglass, Dozier, Eccles, Ellis, Falls, Fisher, F. Foy, Gilmore, Glasgow, Glisson, Gold, Gordon, Green, Hampton, Harper, Hastings, J. A. Hill, Hough, Jasper, W. W. Jones, H. C. Jones, Kilpatrick, King, Little, Love, Mann, Marshall, Mitchell, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Nelson, Perry, Plummer, Pool, Purcell, Rhodes, Roberts, Ruffin, Salmon, Seawell, Settle, Shine, Simmons, Smith, Speller, Spruill, N. A. Stedman, Stewart, Styron, Summers, Thomas, Troy, Wadsworth, R. Walker, H. Walker, Washington, Webb, Wheeler, White, Whitfield, Whitaker, Williams, Wilkinson—89 nays.



Mr. Taylor, from the committee appointed to conduct the balloting for Governor of the State for the ensuing year, reported that the committee had performed the duty assigned to them; and that it appeared, on examination of the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

Mr. Moore, from the committee of Privileges and elections, to whom was referred several depositions of sundry citizens of Washington county, tending to establish the fact that Abner N. Vail, one of the members elected to represent the county of Washington, is not constitutionally qualified to represent said county in this House, reported that the committee had, according to order, had the said depositions under consideration, and instructed him to report that Abner N. Vail is constitutionally disqualified for holding a seat as a member of the House of Commons; and that his seat be vacated. The question to concur with the report was determined in the affirmative.

On motion of Mr. Bozman, ordered that a writ of election issue to the county of Washington, commanding the sheriff of said county to hold an election on the 14th day of the present month (December) for the purpose of electing some person, duly qualified to represent said county, to supply the vacancy occasioned by vacating the seat of Abner N. Vail aforesaid.

Mr. Fisher presented the resignation of John S. Haywood, the Treasurer elect; which was read, accepted, and sent to the Senate.

Mr. Boykin, from the Military Committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the militia laws as to compel the people called Quakers, Moravians, &c. &c. to bear arms or do military duty, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to report a bill to carry its object into effect, entitled "a bill concerning the Quakers, Dunkards, Menonists and Moravians in this State." The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of so amending the laws relative to administrators as to enable them to rent out the lands of their intestates from the death of the intestate until a guardian is appointed to the heir at law, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to make any alteration of the law in this respect, and to recommend the rejection of the resolution. The question to concur with the report passed in the affirmative.

Mr. Jones, from the same committee, to whom was referred the bill to grant to the Superior Courts of Anson county original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The question to concur with the report was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.



WEDNESDAY, DEC. 5, 1827.

A message from the Senate, proposing to ballot for Governor this morning. The message was concurred in, and the Senate informed by message that the name of John Stanly is withdrawn from the nomination, and that Mr. Morehead and Mr. Blackledge wait on the Senate as a committee on the part of this House to superintend the balloting.

On motion of Mr. Alexander,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of providing by law for the settlement of the titles of the Indian reservees in the county of Haywood.

Mr. Blount, with leave, presented a bill making it the duty of sheriffs, coroners, and constables to serve all notices required to be given in process at law or in equity. The said bill was read the first time and passed. On motion, ordered that the said bill be referred to the committee on the Judiciary.

A message from the Senate, informing that Mr. Brodnax and Mr. Bailey attend this House as a committee on their part to superintend the balloting for Governor.

On motion of Mr. Blackledge,

*Resolved*, That a select committee be appointed to inquire into the state of the Literary Fund; and also to inquire whether any bond has been taken from the person entrusted with the safe keeping of the monies belonging to the President and Directors of the Literary Fund, for the due and faithful performance of his duty.

*Resolved*, That Messrs. Blackledge, Adams, Lilly, Ruffin and Pool form this committee.

On motion, ordered that a message be sent to the Senate, informing of the disagreement of this House to ballot for Major General of the 7th division at the time proposed by the Senate, and proposing to ballot for that officer on to-morrow.

A message from the Senate, informing that Mr. Burney and Mr. M<sup>r</sup>. Millan form the committee to superintend the balloting on their part for Brigadier General of the 14th brigade.

Mr. Blackledge, from the committee appointed to superintend the balloting for Governor, reported that the committee had performed that duty; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Governor. The message was concurred in, and the Senate informed that Mr. Hill of Wilmington and Mr. Blount form the committee to superintend the balloting; and further, that the name of William Polk is withdrawn from the nomination.

A message from the Senate, informing that Mr. Shober and Mr. Williams form the balloting committee for Governor on their part.

Mr. Donoho presented the petition of Frances Womack, praying to be divorced from her husband Henry Womack. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Wilkinson, with leave, presented a bill to alter the name of John M. Williams, of Edgecomb county, and to legitimate him. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Blackledge, with leave, presented a bill to vest the election of the Sheriffs in the free men of the county. The said bill was read the first



time, passed, ordered to be printed, and made the order of the day for Saturday next.

On motion of Mr. Cooper, ordered that a message be sent to the Senate, proposing to ballot on Monday next for Public Treasurer, and informing that William Robards, of Granville, and John S. Haywood are in nomination for the appointment.

Mr. Hill, from the committee appointed to superintend the balloting for Governor, reported that the committee had performed that duty; and that it appeared, on examination of the ballots, the majority of the whole number was found to be in favor of James Iredell, who was duly elected — The question to concur with the report was determined in the affirmative.

Mr. M'Millan, from the balloting committee for Brigadier General of the 14th brigade, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot for Public Treasurer on Wednesday next, and informing that William Robards and John S. Haywood are in nomination for the appointment. The question to concur with the message was determined in the affirmative, and the Senate informed thereof by message.

A message from the Senate, proposing to ballot again immediately for Brigadier General of the 14th brigade. The message was concurred in, and the Senate informed by message that Mr. Scott and Mr. Busbee wait on the Senate as a committee to superintend the balloting on the part of this House.

On motion of Mr. Frederick Foy,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law a mode of proceeding in the impeachment of Justices of the Peace who may be guilty of misbehaviour in office; and that the said committee be also instructed to inquire into the expediency of defining what shall be considered misbehaviour within the meaning of the 33d section of the Constitution of this State; and that they report by bill or otherwise.

Mr. M'Dearmid presented a certificate of the County Court of Cumberland, in favor of Shearwood Fort, allowing him a pension of fifty dollars for the ensuing year. On motion, ordered that the said certificate be countersigned by the Speaker and sent to the Senate.

Mr. Fisher, with leave, presented a bill to compel the issuing of process out of the Courts of this State. The said bill was read, and, on motion, ordered to be referred to the committee on the Judiciary.

On motion of Mr. Fisher,

*Resolved*, That a select committee be appointed to inquire what encouragement this Legislature, consistent with considerations of correct policy, can extend to the establishment of cotton and woollen manufactories in this State, and that they also inquire what encouragement can be given to the growing of wool in this State; and that they report by bill or otherwise.

*Resolved*, That Messrs. Fisher, Barnett, Borden, M'Nair and Ball form this committee.

Mr. Newland, from the committee on Divorce and Alimony, to whom was referred the petition of William Justice, of the county of Buncombe, praying to be divorced from his wife Ester, reported that the committee, according to order, had considered the said petition, and instructed him to recommend that the prayer thereof be rejected. The question to concur with the report was determined in the affirmative.



Mr. Newland, from the same committee, to whom was referred the petition of William Roberts, of Buncombe county, praying to be divorced from his wife Peggy, reported that the committee had, according to order, had the said petition under consideration, and instructed him to report unfavorably to the prayer thereof. The report was read, and, on motion, ordered to be laid on the table.

Mr. Bynum, from the committee of Claims, to whom was referred the petition of Thomas Sharpe, praying, for reasons stated in his petition, to be placed on the pension list of the State, reported that the committee, according to order, had considered the said petition, and deemed it unreasonable, and instructed him to recommend that it be rejected. The report was read, and, on motion, ordered to be laid on the table.

Received from the Senate, a resolution, directing the joint select committee appointed to investigate the transactions of the Treasury Department, and to consolidate and amend the laws respecting the same, to take into their possession all the monies, books and vouchers deposited in the Treasury Office until the appointment of a Treasurer shall be made. The said resolution was read, concurred in, and returned to the Senate.

Mr. Newland, from the committee on Divorce and Alimony, to whom was referred the petition of Jane Wilson, of Buncombe county, reported a bill to carry into effect the prayer of the petition, entitled a bill to secure to Jane Wilson, of Buncombe county, such property as she may hereafter acquire. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. F. Boykin, from the Military committee, to whom was referred the resolution instructing them to inquire into the expediency of so altering the militia laws, as to compel officers to muster their companies one hour instead of three, reported unfavorably to the object of the said resolution, and recommended its rejection. The question to concur with the report was determined in the affirmative.

Received from the Senate, a message, informing that they had passed the engrossed bill to authorise the building of a bridge across Neuse river, at the place therein mentioned, and for other purposes, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of the assent of that House to ballot to-morrow for a Major General of the 7th division, and informing that the name of General John Alston is added to the nomination.

Received from the Senate, a resolution empowering the joint select committee appointed to investigate the accounts of the Treasury Department, and to amend and consolidate the laws, to sit during the hours of business in each day, until they shall have finished the investigation. The said resolution was read, concurred in, and returned to the Senate.

The resignation of Edward Jones, Solicitor General of the State, was presented, read and accepted; also the resignations of Thomas Brown, Lieutenant Colonel of the 42d regiment of militia; and of Abner Smith, justice of the peace for the county of Ashe, were presented, read and accepted.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:



*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN,—I have the honor herewith to transmit you the report of the Adjutant General of the militia of North Carolina; also several resignations which have been received since the commencement of the Session.

With high consideration, I have the honor to be, &c. &c.

H. G. BURTON.

*Executive Department, N. C. 5th Dec. 1827.*

The said communication was read, and, on motion, ordered to be sent to the Senate.

The bill authorising Thomas Brown, of the county of Haywood, to erect and keep up two gates across the public road leading from Franklin down the Tennessee river, was read the third time, and the question, shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The House then adjourned until to morrow morning, 10 o'clock.

THURSDAY, DECEMBER 6, 1827.

On motion, ordered that the Senate be informed by message, that Mr. M'Nair and Mr. Gillespie wait on the Senate as a committee on the part of this House to superintend the balloting for Brigadier General of the 14th brigade, and that the name of Redding Anderson is withdrawn from the nomination.

The bill to alter an act, entitled "An act to amend the fourth section of an act, passed in the year 1804, fixing the time for paying purchase money into the Treasury on entries of lands," was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question shall the said bill pass its third reading? was determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing that Messrs. Beasley and Whitfield form the balloting committee on their part for Brigadier General of the 14th brigade.

On motion of Mr. Barnard, ordered that a message be sent to the Senate, proposing to ballot for Public Printer this morning, and informing that Mr. Barnard and Mr. Courad wait on the Senate as a committee on the part of this House to conduct the balloting.

Mr. Spruill, with leave, presented a bill regulating the time within which demand shall be made of the maker, and notice given to the endorser of a bill, bond or promissory note; and Mr. Nelson presented a bill to annex Dryboro, in the county of Craven, to the town of Newbern. These bills were read the first time and passed, the former referred to the committee on the Judiciary, and the latter laid on the table.

A message from the Senate informing that Mr. Askew, of Bertie, and Mr. Davenport, attend this House as a committee on their part to superintend the balloting for Public Printer.

On motion, ordered that the Senate be informed by message that Mr. Busbee and Mr. Mann wait on the Senate as a committee on the part of this House to superintend the balloting for Major General of the 7th division, and that the name of Henry Blount is added to the nomination.

Mr. M'Nair, from the committee appointed to conduct the balloting for Brigadier General of the 14th brigade, reported that the committee had



performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that Mr. Williams of Martin and Mr. Burney attend this House as a committee on their part to superintend the balloting for Major General of the 7th division.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for Brigadier General of the 14th brigade, and that Mr. Taylor and Mr. Troy form the committee of superintendence on the part of this House.

On motion, ordered that the bill repealing an act, passed in the year 1818, chapter 790, entitled "an act fixing the sum hereafter to be paid to the State for vacant lands," be referred to the committee on the Judiciary.

A message from the Senate, informing that Mr. Beasley and Mr. Ramsay form the balloting committee on their part for Brigadier General of the 14th brigade.

On motion, ordered that a message be sent to the Senate, informing that the name of James Seawell is added to the nomination for Public Treasurer.

Mr. Busbee, from the committee appointed to superintend the balloting for Major General of the 7th division, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number; and Mr. Barnard, from the committee appointed to superintend the balloting for Public Printer for the ensuing year, reported that the committee had performed that duty; and that, on examining the ballots, a majority of the whole number was found to be in favor of Lawrence & Lemay, who were duly elected. The questions to concur with the reports were determined in the affirmative.

The Speaker, in consequence of his election to the Chief Magistracy of the State for the ensuing year, and in pursuance of his intimation of yesterday, now resigned his seat and left the Chair. Whereupon, on motion of Mr. Gary, Mr. Settle, one of the members of Rockingham county, was unanimously elected Speaker, and conducted to the Chair.

Mr. Taylor, from the committee appointed to conduct the balloting for Brigadier General of the 14th brigade, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for Brigadier General of the 14th brigade, and informing that the name of Walter Leak is withdrawn from the nomination.

The resignation of James Iredell, the member representing the town of Edenton, of his seat in this House, was presented, read and accepted.

On motion of Mr. Hill, ordered that a writ of election issue to the Sheriff of Chowan county, commanding him to hold an election on Thursday the 13th instant, December, in the town of Edenton, to elect some person to represent said town to supply the vacancy occasioned by the resignation of Mr. Iredell.

A message from the Senate, consenting to ballot for Brigadier Gen-



eral of the 14th brigade, and informing that Mr. Burney and Mr. M'Millan form the balloting committee on their part. On motion, ordered that the Senate be informed by message, that Mr. Hill and Mr. Jones of Rowan attend the Senate as a committee on the part of this House to conduct the balloting.

On motion of Mr. Jones, of Warren,

*Resolved*, That the Clerk of this House make up the estimates of daily compensation and mileage of Abner N. Vaill, late member of this House from the county of Washington, and that Mr. Speaker draw upon the Cashier of the State Bank in this city for such amount; and that the same be debited to the Public Treasurer of this State in the accounts of said bank.

The said resolution was read for its first, second and third readings, and the question, shall the said resolution pass its several readings? was determined in the affirmative.

Mr. Blackwood presented the petitions of Henry Houston and of Robert Robeson, of the county of Mecklenburg; and Mr. Wilder presented the petition of Charles Copeland, of Johnston county, respectively praying to be placed on the pension list. On motion, the said petitions were referred to the committee of Propositions and Grievances.

Mr. Brevard presented the petition of John Davis, praying to be placed on the pension list; and Mr. M'Lean presented the petition of Jerry Carter, praying to be divorced from his wife Polly. These petitions were read, the former referred to the committee of Claims, the latter to the committee on Divorce and Alimony.

A message from the Senate, informing of the assent of that House to the proposition, that so much of the Governor's message as relates to a communication from the American minister at London, relative to documents concerning the Colonial history of North Carolina, be referred to a select joint committee.

Mr. Love presented the following resolution:

*Resolved*, That a select committee be appointed, whose duty it shall be to inquire into the expediency of repealing so much of the act of 1819, which prohibits the entry of vacant land in the county of Haywood.

The question to concur with the resolution was determined in the negative.

A message from the Senate, informing that in consequence of a rule of that House, directing the number of times resolutions appropriating public money shall be read before they pass, they do not agree with the resolution sent up from this House on that subject.

On motion of Mr. Taylor, ordered that a message be sent to the Senate, proposing to set apart Thursday next for balloting for all officers to fill the vacancies existing in the militia of this State, except such ballotings for a day certain as have been already agreed on between the two Houses.

Mr. Boykin, from the Military committee, to whom was referred a resolution directing them to inquire into the expediency of so amending the present laws as to reduce the number of petty musters, &c. reported that the committee, according to order, had considered the said resolution, and instructed him to report a bill to reduce the number of petty musters to two in the year. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Hill, of Wilmington, from the committee on Internal Improvements, to whom was recommitted the petition of sundry citizens of Buncombe county, praying that a certain road be erected into a turnpike, re-



ported that the committee had, according to order, considered the said petition, and instructed him to report a bill in conformity with the prayer of the petition, entitled a bill to establish a turnpike road in the county of Buncombe. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, proposing to ballot on Monday morning next for a Solicitor General of the 4th Judicial Circuit, and informing that John Scott, Romulus M. Saunders and John M. Morehead are in nomination for the appointment. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Mr. Baily and Mr. Brodnax form the committee on enrolled bills on their part.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners for the town of Asheville, Buncombe county; and also the engrossed bill to repeal an act, passed at the last session of the General Assembly, entitled "An act to establish a poor house in the county of Wayne;" in which they ask the concurrence of this House. The said bills were read each for their first reading, and the questions, shall the said bills pass? were determined in the affirmative.

The resignations of Merritt Burgin, Colonel Commandant of the third regiment of the Burke militia; Cyrus Christian, Major of the 4th regiment of the Granville militia; John Cannon, of Pitt county; David Flannegan and William Pyron, of Mecklenburg county; and Ezekiel Slocum, of Wayne county, justices of the peace, were presented, read and accepted.

On motion of Mr. Morehead, ordered that a message be sent to the Senate, proposing that a joint select committee of two members from each House, be appointed to wait upon the Governor elect, and inform him of his election to the Chief Magistracy of State for the ensuing year, and to inquire of him when it will be convenient to him to take the oaths of qualification. Ordered that Mr. Morehead and Mr. Blount form this committee.

The House then adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, DECEMBER 7, 1827.

Mr. J. Allen, from the select committee, to whom was referred the resolution directing them to inquire into the necessity of establishing a Medical Board in this State, reported that the committee, according to order, had considered the resolution, and instructed him to report a bill in pursuance to the resolution, to establish a Medical Board, and to regulate the practice of Physic and Surgery in this State. The said bill was read the first time and passed, and, on motion, ordered to be printed with the report, one copy for each member.

Mr. Hill, of Wilmington, from the committee appointed to superintend the balloting for Brigadier General of the 14th brigade, reported that the committee had performed that duty; and that it appeared, on examining the ballots, Alfred Dockery had a majority of the whole number, and was duly elected. The question to concur with the report, was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for Major General of the 7th division of the militia.

A message from the Senate, consenting to ballot for Major General, and



informing that Mr. Sherard and Mr. Nuttall form the balloting committee on their part. On motion, ordered that a message be sent to the Senate, informing that Mr. Gary and Mr. Busbee form the balloting committee on the part of this House.

A message from the Senate, consenting to appoint a select joint committee to wait on James Iredell, the Governor elect, to inform him of his election, and to ascertain when it will be convenient to him to take the oaths of office.

A message from the Senate, informing that they had passed the following engrossed bills, and a resolution, to wit: a bill to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire; a bill to incorporate the Elizabeth City Marine Insurance Company; and a resolution in favor of John J. Bonner, and asking the concurrence of this House

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Charles Lewis, of the county of Rutherford, reported that the committee had, according to order, considered the said petition, and instructed him to recommend that the said petition be rejected. The question to concur with the report was determined in the affirmative.

Mr. Gary, from the committee appointed to superintend the balloting for Major General of the 7th division of the militia, reported that the committee had performed that duty; and that it appeared, from an examination of the ballots, a majority of the whole number was found to be in favor of Micajah T. Hawkins, who was duly elected. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that Mr. Clayton and Mr. Glasgow attend the Senate as superintendents of the balloting for Brigadier General of the 15th brigade, heretofore agreed on to take place this morning.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to establish Columbia Academy, on the lands of Joseph John Pippin, in the county of Edgecomb, and to incorporate the trustees thereof; also a bill to secure to Cristianna Crittenden, of Stokes county, such property as she may hereafter acquire; and also a bill to legitimate and alter the name of Mary Ann Eliza Tooley, and asking the concurrence of this House. The said bills were respectively read for their first readings, and the question shail the said bills pass? was determined in the affirmative.

A message from the Senate, informing that Mr. Alexander and Mr. Nuttall attend this House as a committee on their part to superintend the balloting for Brigadier General of the 15th brigade.

On motion of Mr. Jones, of Rowan,

*Resolved*, That a message be sent to the Senate, proposing that a joint select committee, to consist of five members from each House, be appointed, to inquire into the most advisable mode of representing the interest of the State in the Cape Fear Bank at the meeting of the stockholders shortly to be held in Wilmington; and that they be instructed to inquire into the propriety of agreeing to the surrender of the Charter of said Bank, provided such proposal be made at the contemplated meeting; and informing that Messrs. Jones of Rowan, Hill, Eccles, Blackledge and Spruill form the committee on the part of this House.

Mr. Glasgow, from the committee appointed to conduct the balloting for Brigadier General of the 15th brigade, reported that the committee had performed the duty assigned to them; and that it appeared, on ex-



aming the ballots, Athan A. McDowell had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Morehead, from the joint select committee appointed to wait on the Hon. James Iredell, the Governor elect, and to inform him of his election to the chief magistracy of the State for the ensuing year, and to ascertain when it will be convenient for him to take the oaths of qualification, reported that the committee had performed the duty assigned to them, and that the Governor elect would, at 12 o'clock to-morrow, attend and take the oaths of office.

On motion of Mr. Little,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws respecting executors, as that the neglect or refusal of an executor to qualify within five years from the probate of the will, shall amount to a total renunciation of said office.

A message from the Senate, proposing to refer the petition of William Barnett, of Moore county, to a joint select committee. The message was read and disagreed to, and the Senate informed thereof by message.

The bill to appoint commissioners for the town of Asheville, Buncombe county; also the bill to establish a turnpike road in the county of Buncombe; also the bill to repeal an act, passed at the last session of the General Assembly, entitled an act to establish a poor house in the county of Wayne; and also the bill to secure to Jane Wilson, of Buncombe county, wife of James Wilson, such property as she may acquire, were respectively read for their second readings, and the question shall the said bills pass? was determined in the affirmative.

The bill to incorporate the Elizabeth City Marine Insurance Company, was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

The engrossed resolution, received from the Senate, in favor of the heirs of John J. Bonner, was read and ordered to be referred to the committee of Claims.

On motion of Mr. Allen, of Buncombe, ordered that he have leave to withdraw from the files the petition of William Justice, of the county of Buncombe, and the accompanying documents.

Mr. Barnard, with leave, presented a bill to explain an act, passed in the year 1810, chapter 33, entitled "An act authorising Enoch Sawyer to open a road across Pasquotank river and swamp opposite his plantation, and to erect a bridge across Pasquotank river." The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

The certificate of the County Court of Cumberland in favor of Isabella Campbell, allowing her a pension of forty dollars for the present year; and also the certificate of the said court in favour of Sherwood Fort, allowing him a pension of fifty dollars for the ensuing year, were returned to this House from the Senate, countersigned by the Speaker.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of so amending the laws relative to widows as to enable them to clear and improve their dower lands when it may be thought an advantage to herself and children, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report



that an alteration of the law in that respect is not necessary, and to recommend that the said resolution be rejected. The question to concur with the report was determined in the affirmative.

The engrossed bill to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire, was read, and, on motion, ordered to lie on the table.

The bill to alter the name of John M. Williams, of Edgecomb county, and to legitimate him, was read and ordered to lie on the table.

The resignations of Alfred Dockery, colonel commandant of the first regiment of the Richmond militia; William Allen, colonel commandant of the Greene county militia; Robert Carson, of Iredell county, and William Clark, of Pitt county, justices of the peace, were presented, read and accepted.

The certificate of the County Court of Craven county, in favor of John Rhem, allowing him a pension of one hundred dollars; and also the certificate of said Court, allowing Thomas Ewell and Christopher Bexley each a pension of forty dollars for this year, were received from the Senate, countersigned by the Speaker. On motion, ordered that the said certificates be countersigned by the Speaker of this House and returned to the Senate.

On motion of Mr. Neill, ordered that he have leave to withdraw from the files the petition of Richard Byrd and others, of Burke county.

The House then adjourned until to-morrow, 10 o'clock.

SATURDAY, DECEMBER 8, 1827.

On motion, ordered that a message be sent to the Senate, informing that Mr. Taylor and Mr. Webb form the committee on the part of this House to superintend the balloting for brigadier general of the 16th brigade.

On motion of Mr. Blount,

*Resolved*, That a joint select committee, to consist of three members on the part of each House, be raised and instructed to inquire into the expediency of ascertaining what quantity of surplus produce is made in each and every county of this State; in what it consists; to what market or markets it is carried; and what the expense of getting it to market.

*Resolved*, That shall the committee, upon investigation, believe the information important and attainable, that they be requested to submit a plan for its accomplishment to the Legislature for its consideration.

A message from the Senate, informing that Mr. Davenport and Mr. Burney from the balloting committee on their part for Brigadier General of the 16th brigade.

On motion of Mr. Brevard, ordered that Mr. Burns be added to the committee of Divorce and Alimony.

A message from the Senate, informing that they had passed the following engrossing bills, to wit: a bill to divorce John Salyear, of the county of Currituck, from his wife Elizabeth; also a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; in which they ask the concurrence of this House. The said bills were read for their first readings in this House, and the question, shall the said bills pass? was determined in the affirmative.

On motion of Mr. Cox,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing laws respecting executors and administrators, so as that no assets shall be affected in their hands until said executors or administrators shall have had reasonable time to collect such assets as may arise from the sale of the perishable property of their testators or intestates; and that they report by bill or otherwise.



Mr. Webb, from the committee appointed to conduct the balloting for brigadier general of the 16th brigade, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Moore, ordered that a message be sent to the Senate, proposing to raise a joint select committee to wait on James Iredell, the Governor elect for the ensuing year, and to conduct him into the Commons Hall, for the purpose of taking the oaths prescribed for his qualification; and informing that Mr. Blount and Mr. Morehead form the committee on the part of this House.

A message from the Senate, proposing to ballot again immediately for Brigadier General of the 16th brigade, and informing that Mr. Brodnax and Mr. Vanhook form the committee of superintendence of the balloting on their part. The message was concurred in, and the Senate informed that Messrs. Lewis and Lawson form the balloting committee on the part of this House.

Mr. Pool, with leave, presented a bill to legitimate Eliza Baily and Ambrose Baily, children of John and Nancy Baily, of Pasquotank county; and Mr. W. W. Stedman, a bill to authorise the County Court of Gates to appoint a committee of Finance. These bills were read for their first readings, and the question, shall the said bills pass? was determined in the affirmative.

Mr. Lewis, from the balloting committee for Brigadier General of the 16th brigade, reported that the committee had performed the duty assigned to them, and that a majority of the whole number, upon examination, was found to be in favour of Thomas Norman, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill to establish Columbia Academy, on the lands of Joseph John Pippin in the county of Edgecomb, and to incorporate the trustees thereof, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Cooper presented the following resolution:

*Resolved*, That the Military committee be instructed to inquire into the expediency of requiring the State Printer to furnish and deliver to every Colonel Commandant, and to Lieutenant Colonels within this State, a copy of the Journals of the two Houses of this General Assembly.

The question to concur with the resolution was determined in the negative.

A message from the Senate, informing of the assent of that House to the proposition of this House, to set apart Thursday next for balloting for all militia officers, except such ballotings for a day certain as have been agreed on between the two Houses.

On motion of Mr. Adams,

*Resolved*, That a joint select committee be appointed to inquire into the expediency of amending the laws on the subject of bastardy.

*Resolved*, That Mr. Adams, Mr. Mann and Mr. Speller form the committee.

A message from the Senate, consenting to the appointment of a select committee to wait on James Iredell, the Governor elect for the ensuing year, and to conduct him into the Commons Hall for the purpose of taking the oaths of qualification as prescribed by law; and informing that



they had on their part appointed a committee to join the committee appointed by this House, consisting of Mr. Speight of Greene and Mr. Wilson of Edgecomb.

Mr. Burns presented the petition of Julia A. Thompson, of Carteret county, praying to be divorced from her husband Thomas W. Thompson; and Mr. Douglass presented the petition of sundry citizens of Surry county, praying that Elthred Edwards, of said county, be restored to the privileges of a citizen, forfeited by a conviction in the Court of said county. These petitions were read, the former referred to the committee on Divorce and Alimony, the latter to the committee of Propositions and Grievances.

The resignation of Jesse Barden, justice of the peace for the county of Wayne, was read and accepted.

This day, in pursuance of the report of the committee, James Iredell, the Governor elect for the ensuing year, was conducted into the Commons Hall, the members of the Senate being present, and qualified as Governor of the State for the ensuing year, by taking and subscribing to the oaths prescribed by law for his qualification. The oaths being administered by Justice Busbee, of the county of Wake.

On motion of Mr. Blackledge, ordered that the bill to vest the election of the Sheriffs in this State in the freemen of the county, be made the order of the day for Tuesday next.

The House then adjourned until Monday morning, 10 o'clock.

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MONDAY, DECEMBER 10, 1827.

On motion of Mr. Hill, ordered that a message be sent to the Senate, proposing to have printed the report of the Adjutant General, one copy for each member of the Assembly.

William Gaston, the member elected to represent the town of Newbern to supply the vacancy occasioned by the resignation of John Stanly, appeared, produced his credentials, was qualified and took his seat.

On motion, ordered that Mr. Seawell have leave of absence from the service of this House for two days.

On motion of Mr. Jones, of Warren, ordered that Mr. Gaston and Mr. Hill be added to the committee on the Judiciary.

A message from the Senate, informing of their disagreement to the proposition to raise a joint select committee to inquire into the expediency of instructing the Board of Internal Improvement to cause a survey to be made from Newbern to Salisbury on the most direct and practicable route for a rail road, so as to pass through Raleigh; and informing further, that the name of John L. Henderson is added to the nomination for Treasurer.

On motion of Mr. Alexander,

*Resolved*, That the committee appointed to investigate the business connected with the Treasury department be instructed to inquire into the claim of James Patton on the said department, and report the facts to the Legislature.

A message from the Senate, informing that in conformity with the proposition of this House, they had appointed a committee, consisting of Messrs Speight of Greene, Owen, Spaight of Craven, Ward and Davenport, to join the committee appointed by this House to inquire into the most advisable mode of representing the interest of the State in the Cape Fear Bank at the approaching meeting of the stockholders in the town of Wilmington.



Mr. Moore presented the following resolution:

*Resolved*, That his Excellency the Governor be requested to employ some suitable person to place the Statue of Washington upon a bed or platform with wheels, and provide all necessary materials for its removal with safety in case of fire.

The question to concur with the resolution was determined in the negative.

A message from the Senate, agreeing to the proposition of this House to have printed the report of the Adjutant General, and proposing that the report be referred to a select joint committee, and on their part to Messrs. Ward, Jones, Owen, Williams of Beaufort and Davidson.

The proposition to refer the report of the Adjutant General to a select joint committee was concurred in, and Messrs. Hill, Blount, Boykin, Bateman and Ruffin appointed a committee to join the committee appointed by the Senate.

On motion, ordered that a message be sent to the Senate, informing that Mr. Jones of Rowan and Mr. Mann attend the Senate as a committee on the part of this House to superintend the balloting for Solicitor General of the 4th circuit, heretofore agreed on to take place this morning.

A message from the Senate, informing that Mr. Wilson of Edgecomb and Mr. Ramsay attend this House as superintendents of the balloting for Solicitor General on their part.

Mr. Newland, from the committee on Divorce and Alimony, in pursuance to petitions referred to them, reported the following bills, to wit: A bill to divorce Winefred Everett, of Anson county, from her husband John Everett; a bill to divorce Mary Bryant from her husband Eli Bryant; a bill to secure to Susannah Suddath, of Caswell county, such property as she may hereafter acquire; and a bill to divorce Hugh Reed from his wife Susannah Reed. The said bills were respectively read the first time and passed.

A message from the Senate, informing that they do not agree to raise a joint select committee for the purpose of inquiring into the expediency of ascertaining what quantity of surplus produce is made in each and every county of this State, &c. &c.

On motion of Mr. Clayton,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing an act to subject the remainder or reversion in slaves to sale by execution or other process.

Mr. Jones, of Rowan, from the committee appointed to superintend the balloting for Solicitor General, reported that the committee had performed the duty assigned to them; and that, on examination of the ballots, it appeared that a majority of the whole number was in favor of John Scott, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill to secure to Jane Wilson, of Buncombe county, wife of James Wilson, such property as she may hereafter acquire; also the bill to repeal an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Wayne;" also the bill to establish Columbia Academy on the lands of Joseph John Pipken, in the county of Edgecomb, and to incorporate the trustees thereof; also the bill to establish a turnpike road in the county of Buncombe; and also the bill to appoint commissioners for the town of Asheville, in Buncombe coun-



ty, were respectively read the third time, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in 1813, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Richmond county;" also the engrossed bill to repeal an act, passed in the year 1824, entitled "an act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick; in which they ask the concurrence of this House.

Mr. Allen, of Buncombe presented the petition of sundry citizens of the counties of Buncombe & Burke, praying that for the better and more convenient administration of justice, a district be established from parts of both counties, in which courts of law shall be held. On motion, ordered that the said petition be referred to Mr. Allen of Buncombe, Mr. Brittain and Mr. Benners.

On motion of Mr. Busbee,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of increasing the tax on all gates erected on public roads.

Mr. Plummer presented the petition of Martha Beasley, of Stokes county, praying to have secured to her such property as she may hereafter acquire from the claim or disposition of her husband Edmund Beasley. Ordered that the said petition be referred to the committee on Divorce and Alimony.

On motion of Mr. Neill,

*Resolved*, That a committee be appointed to inquire into the propriety of causing to be laid before the next Legislature a report from the trustee of each county in this State, containing the amount paid by each of them from the first day of January, 1827, to the first day of January, 1828, for prosecuting insolvent offenders against the State.

The resignation of Obediah Falkner, colonel commandant of the Person regiment of militia, was read and accepted.

The engrossed bill to repeal an act, passed in 1824, entitled "an act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick," was read the first time and passed.

Mr. Purcell presented a bill to alter the name of Hugh Wright Currie, of Robeson county. The said bill was read the first time and passed.

Mr. Bateman presented a bill to alter the times of holding the Superior Courts in the first judicial circuit. The said bill was read, and, on motion, referred to a select committee, consisting of the members representing the counties in said circuit.

The bill to secure to Christianna Crittenden, of Stokes county, such property as she may hereafter acquire; also the bill to legitimate and alter the name of Mary Ann Eliza Tooley; and also the bill to explain an act, passed in the year 1810, chapter 33, authorising Enoch Sawyer to open a road across Pasquotank river swamp, opposite his plantation, and to erect a bridge across Pasquotank river, were severally read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to alter an act, entitled "an act to amend the 4th section of an act, passed in the year 1804, fixing the time for paying purchase money into the Treasury on entries of land," with an amendment; and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.



Mr. Newland, from the committee on Divorce and Alimony, reported unfavorably on the petitions of John Powers, Thomas Tuton, James A. Mills and Jonathan Bryan, recommending their rejection. The report was read and concurred in.

Mr. Newland, also from the same committee, reported unfavorably on the petition of Elizabeth Burgess, recommending its rejection. The report was read and concurred in.

Mr. Bynum, from the committee of Claims, reported favorably on the resolution referred to them in favor of Joseph Welch and Mark Coleman, recommending its passage. The said resolution was read the first time and passed—yeas 69, nays 53. The yeas and nays called for by Mr. Glisson.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Barnard, Barnhardt, Barnett, Bateman, Benners, Blackledge, Blount, Borden, Boykin, Brevard, Brittain, Burns, Busbee, Bynum, Clayton, Clement, Conrad, Dickinson, Donoho, Douglass, Dozier, Falls, Gary, Gillespie, Gilmore, Glasgow, Gold, Green, Gaston, Hampton, Hardy, Hill, Hodges, Hough, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kilpatrick, King, Lewis, Lilley, Love, Mitchell, Moore, Morehead, M'Millan, Nelson, Newland, Neill, Patterson, Plummer, Pool, Percell, Rhodes, Scott, Shine, Spruill, N. A. Stedman, Styron, Summers, Walker, Washington, Wheeler, White, Williams—69 yeas.

Those who voted in the negative, are Messrs. Baker, Ball, Battle, Blackwood, Boon, Bozman, Burke, Byrum, Cherry, Cooper, Cox, Davenport, Ellis, E. Foy, F. Foy, Glisson, Gordon, Harper, Hastings, Jackson, Kerr, Lawson, Leonard, Little, Mann, Marshall, M'Dearmid, M'Lean, M'Nair, Perry, Riddick, Roberts, Ruffin, Salmons, Simmons, Simpson, Smith, Speller, W. W. Stedman, Stephens, Stewart, Stockard, Taylor, Thomas, Tillett, Troy, Underwood, Wadsworth, Walker, Webb, Whitaker, Wilder, Wilkinson—53 nays.

The bill to divorce John Salyear, of the county of Currituck, from his wife Elizabeth; also the bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county, were read the second time and rejected.

The bill to repeal an act, passed in the year 1823, entitled "an act to regulate the Courts of Pleas and Quarter Sessions of Richmond county," was read the first time, and, on the motion of Mr. M'Nair, postponed indefinitely.

The bill to repeal part of an act of the General Assembly of this State, entitled "an act to prevent the destruction of oysters, and for other purposes," passed in the year 1822, was read the second time, and, on the motion of Mr. Barnard, postponed indefinitely.

The bill to incorporate the Elizabeth City Marine Insurance Company, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, DECEMBER 11, 1827.

Mr. Allen, of Buncombe, from the committee to whom was referred the bill for the more convenient administration of justice within a portion of the counties of Burke and Buncombe, reported that the committee, according to order, had considered the said bill, and instructed him to return it to the House with a recommendation that it be passed into a law. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to alter the place of holding a battalion muster in the coun-



ty of Carteret; and the engrossed resolution instructing the Comptroller to take inventories of certain property belonging to the State; and also a resolution in favor of John Mallewee, of Mecklenburg county, and asking thereto the concurrence of this House.

The bill to alter the place of holding a battalion muster in Carteret county; and also the bill to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire, were read the first time and passed.

The bill to repeal an act, passed in the year 1824, entitled "an act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick;" also the bill to alter the name of Hugh Wright Currie, of Robeson county, were read the second time and passed.

On motion of Mr. Clement,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of amending the existing law relating to the notice required to be given by executors and administrators, of their qualifications as such; and that they report by bill or otherwise.

Mr. Stewart presented a bill authorising Edward Griffin, sheriff of the county of Martin, to collect arrearages of taxes; and Mr. Burke presented a bill respecting the elections in the county of Perquimons. These bills were read the first time and passed.

Mr. Alexander presented the petition of Robert Bigham, of Mecklenburg county, praying to be divorced from his wife Mary. Ordered that the said petition be referred to the committee on Divorce and Alimony.

The resolution in favor of John Mellewee was read the first time and passed.

The resolution instructing the Comptroller to take inventories of certain property belonging to the State, was read, concurred in, and ordered to be enrolled.

The resignations of Allen Adams and David Daniel, of Johnston county, and Alexander W. Brandon, of Anson county, justices of the peace, were presented, read and accepted.

On motion of Mr. Gary, ordered that a message be sent to the Senate, informing that the name of Hutchins G. Burton is added to the nomination for Public Treasurer.

The House, according to the order of the day, took up the bill to vest the election of the Sheriffs in the freemen of the county; which was read the first time and passed.

On motion of Mr. Blackledge, the House resolved itself into a committee of the Whole on the said bill, Mr. Donoho in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Donoho reported that the committee of the Whole, according to order, had the said bill under consideration, and instructed him to report that they had made progress, and to ask leave to sit again on the said bill tomorrow. The question to concur with the report was determined in the affirmative.

Mr. Mitchell presented a bill to authorise the Public Treasurer to pay to John Gamble, late Sheriff of the county of Ashe, the excess of taxes paid by him into the Public Treasury in the year 1826; which was read the first time, passed, and, on motion, referred to the committee of Propositions and Grievances.

Mr. Gary, from the committee of Propositions and Grievances, to



whom was referred the petition of Charles Copeland, of Johnston county, praying to be placed on the pension list, reported that the committee, according to order, had considered the said petition, and instructed him to recommend that it be rejected. The report was read and concurred in.

The bill concerning the Quakers, Dunkards, Menonists and Moravians in this State, was read the second time, and, on the motion of Mr. Morehead, postponed indefinitely—yeas 62, nays 51.

Those who voted in the affirmative, are Messrs. Allen of Buncombe, Baker, Barnard, Barnhardt, Barnett, Battle, Blackledge, Blackwood, Blount, Boon, Borden, Burke, Burns, Byrum, Clayton, Conrad, Dickinson, Donoho, E. Foy, F. Foy, Gary, Gillespie, Glasgow, Gold, Gaston, Hampton, Hardy, Hastings, Hill, Hough, Jackson, W. W. Jones, Kerr, King, Lawson, Lewis, Mann, Morehead, M'Lean, M'Millan, M'Nair, Newland, Patterson, Perry, Plummer, Pool, Riddick, Ruffin, Salmon, Scott, Shine, Simpson, Spruill, Stephens, Stewart, Taylor, Thomas, Tillett, Troy, Walker, Webb, Wheeler—62 yeas.

Those who voted in the negative, are Messrs. Adams, Alexander, Allen of Montgomery, Ball, Bateman, Benners, Bozman, Brevard, Busbee, Cherry, Clement, Cooper, Cox, Davenport, Dozier, Ellis, Falls, Gilmore, Glisson, Gordon, Harper, Hodges, Jasper, R. H. Jones, H. C. Jones, Kilpatrick, Lilly, Little, Marshall, Mitchell, Moore, M'Dearmid, Nelson, Neill, Purell, Roberts, Simmons, Smith, Speller, W. W. Stedman, N. A. Stedman, Stockard, Styron, Summers, Underwood, Wadsworth, White, Whitaker, Wilder, A. Williams, Wilkinson—51 nays.

A message from the Senate, proposing that the report of the committee appointed to investigate the Treasury department, together with the exhibits accompanying the same, be printed, five copies for each member of the Assembly. The message was concurred in, and the Senate informed thereof by message.

Mr. Gaston presented the memorial of sundry citizens of the towns of Newbern, Washington, Plymouth, Edenton, Murfreesborough, Hertford and Elizabeth City, on the subject of improving the navigation at and about Occacock Inlet. On motion, ordered that the said memorial be referred to Messrs. Gaston, Benners, Blount, Dickinson, Foy of Jones, Washington, Ruffin, Barnett, Lewis, Bateman, Wheeler, Pool and Spruill, and that it be printed, one copy for each member of the Assembly.

The House then adjourned until to-morrow morning, 10 o'clock.

#### WEDNESDAY, DEC. 12, 1827.

On motion of Mr. Brevard, ordered that a message be sent to the Senate, informing that Mr. Brevard and Mr. Morehead attend that House as a committee of superintendence of the balloting for Public Treasurer on the part of this House, agreed on to take place this morning.

On motion of Mr. Fisher,

*Resolved*, That the committee of Public Buildings be instructed to inquire into the expediency of adopting some method to obtain a supply of water, convenient to the public buildings, by the process of boring or otherwise; and that they report by bill or otherwise.

A message from the Senate, informing that Mr. Franklin and Mr. Bailey attend this House as a committee to superintend the balloting for Public Treasurer on their part.

On motion of Mr. Perry,

*Resolved*, That the Judiciary committee be instructed to inquire whether any, and if any, what alterations are necessary to be made in the act, passed at the last session of the General Assembly, entitled "an act to prevent the fraudulent trading with slaves, except in the manner therein prescribed;" and that they report by bill or otherwise.

Mr. Cooper presented the following resolution:

*Resolved*, That his Excellency the Governor be requested to procure, for the House of Commons, a suitable clock of Aaron Williard's make, to be placed in this Hall; and that



he draw on the Treasurer for such sum as may be required to accomplish the object of this resolution.

The said resolution was read, and, on motion, rejected.

On motion of Mr. W. W. Stedman,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law to prevent the education of slaves; and that they report by bill or otherwise.

The bill to secure to Christianna Crittenden, of Stokes county, such property as she may hereafter acquire; also the bill to repeal an act, passed in the year 1824, entitled an act to authorise the payment of persons summoned to serve as talismen jurors for the county of Brunswick, were read the third time, passed, and ordered to be enrolled.

Mr. Brevard, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

On motion of Mr. Blount, ordered that a message be sent to the Senate, proposing to ballot again immediately for Public Treasurer.

A message from the Senate, informing that they had passed the engrossed bill, entitled a bill to authorise Zachariah Elliott, one of the securities of Henry S. Taylor, late sheriff of Greene county, to collect arrears of taxes, and asking the concurrence of this House.

A message from the Senate, informing of their assent to ballot again immediately for Public Treasurer; and that Mr. Williams of Martin and Mr. M'Millan form the committee of superintendence on their part.

On motion, ordered that the Senate be informed by message that Mr. Blount and Mr. Bozman form the committee to superintend the balloting for Public Treasurer on the part of this House.

Mr. Gary presented a bill to repeal all acts concerning agriculture and family domestic manufactures. The said bill was read the first time, passed, and, on motion of Mr. Gary, referred to the committee on Agriculture.

The bill to authorise Zachariah Elliott, one of the securities of Henry S. Taylor, late sheriff of Greene county, to collect arrears of taxes, was read the first time and passed.

Mr. F. Foy presented a bill prescribing the duty of the committee of Finance; which was read the first time and passed.

Mr. Moore presented the following resolution:

*Resolved*, That Joseph Ross be appointed Librarian to the State Library, with a salary of seventy-five dollars per annum.

*Resolved*, That the said Joseph Ross shall make out and deposite with the Secretary of State, a list, arranged in alphabetical order, of all the books now belonging to the Library, and of such as may hereafter be purchased.

The said resolution was read the first time and passed.

The bill to explain an act, passed in the year 1810, chapter 33, authorising Enoch Sawyer to open a road across Pasquotank river swamp opposite to his plantation, and to erect a bridge across Pasquotank river; also the bill to incorporate the Elizabeth City Marine Insurance Company, were read the third time and passed—the former ordered to be engrossed, and the latter enrolled.

Mr. Blount, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared nei-



ther of the candidates had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot immediately for Public Treasurer, and informing that Mr. Williams of Martin and Mr. Burney attend this House to conduct the balloting on their part. The message was concurred in, and the Senate informed that Mr. Webb and Mr. Glasgow attend the Senate as a committee on the part of this House to superintend the balloting for Public Treasurer.

On motion of Mr. Salmons,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of revising and consolidating the different acts of Assembly with regard to public roads, with such amendments as may be necessary to change the manner in which such roads are at present kept in repair; and that they report by bill or otherwise.

On motion of Mr. Ruffin,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the practicability of so altering or amending the laws now in force in this State, as more effectually to prevent slaves from hiring their own time and making their own bargains to labor; and that they report by bill or otherwise.

On motion, ordered that Mr. Washington have leave of absence from the service of this House from yesterday to Monday next.

Mr. Newland presented the petition of Isaac T. Avery, of Burke county, praying for the establishment of a turnpike road; and Mr. Gillespie presented the petition of James Moore, of Duplin county, stating that as a soldier in the war of the revolution, he is entitled to a land warrant; that on application to the proper office, he finds his warrant had been drawn without his privity or consent, and praying for redress. Ordered that these petitions be referred, the former to the committee on Internal Improvement, the latter to the committee of Propositions and Grievances.

Mr. Webb, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot again immediately for Public Treasurer. The message was concurred in, and the Senate informed by message that Mr. Taylor and Mr. Wheeler form the committee of superintendence on the part of this House; and that the name of James Seawell is withdrawn from the nomination.

On motion, ordered that the bill vesting the election of sheriff in the people be made the order of the day for Friday next.

A message from the Senate, informing that Mr. Nuttall and Mr. Ward attend this House as a committee on their part to superintend the balloting for Public Treasurer.

The bill to extend the time of registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; also the bill to authorise the County Courts of Gates and Rowan to appoint a committee of finance, were read the second time and passed.

On motion, ordered that the bill for the more convenient administration of justice within a portion of the counties of Burke and Buncombe; also the bill to reduce the number of petty musters to two in the year, lie on the table.

On motion of Mr. Benners,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of



providing by law that the Clerks of each County Court in this State, shall, within twenty days after such Court shall have laid any county or other tax, publish the rates of the same in some newspaper in his county three different times; or, for want of such newspaper, advertise the same in writing at the court house the first, second and third Courts after such tax shall be laid, and send copies of such notice to the several justices of the peace in his county; and that the several County Courts in this State be empowered to make a proper compensation to said Clerks for their trouble.

Mr. Taylor, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

On motion of Mr. Blackledge, ordered that he have leave to withdraw from the files the petition of Thomas Tuton, with the accompanying documents.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas Greene and others, of the county of Burke, reported that the committee, according to order, had considered the said petition, and instructed him to recommend that it be rejected. The report was read and concurred in.

The bill to legitimate and alter the name of Mary Ann Eliza Tooley; also the bill to alter the name of Hugh Wright Currie, of Robeson county, were read the third time, the former laid on the table, the latter rejected.

Mr. Jones, of Warren, from the Judiciary Committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the existing law on the subject of compensating prosecuting officers, as to secure the fees due on the conviction of insolvents, reported that the committee, according to order, had considered the said resolution, and instructed him to report that any alteration of the law in respect to the subject matter of the resolution is unnecessary. The report was read and concurred in.

Mr. Cox, from the select committee to whom was referred the subject of inquiring into the propriety of amending the patrol laws, reported that the committee had, according to order, the subject under consideration, and instructed him to report that it is not necessary to make any alteration in said laws. The report was read and concurred in.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the bill to subject bail to costs, reported that the committee, according to order, had the said bill under consideration, and instructed him to report it with an amendment, and to recommend its passage. The said bill was read the first time, and amended agreeably to the report, and passed.

The resignations of R. Rendall, Colonel Commandant of the 2d regiment of the Montgomery militia, and Isaac Benton, Justice of the Peace for Columbus county, were presented, read and accepted.

The bill to divorce Winefred Everet, of Anson county, from her husband John Everet, was read the second time and rejected—yeas 59—nays 63. The yeas and nays called for by Mr. Glisson.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnett, Bateman, Benners, Blackwood, Borden, Bozman, Brevard, Burke, Burns, Busbee, Clayton, Clement, Donoho, Dozier, Ellis, Fisher, Gilmore, Glasgow, Gordon, Hampton, Hardy, Hastings, Hough, King, Leonard, Lilly, Little, Love, Marshall, Mitchell, McLean, Nelson, Newland, Neill, Patterson, Perry, Plummer, Pool, Purcell, Roberts, Salmons, Seawell, Simpson, N. A. Stedman, Stewart, Stockard,



Summers, Taylor, Tillett, Underwood, Wadsworth, Wheeler, White, Whitaker, A. Williams—59 years.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Barnhardt, Battle, Blackledge, Blount, Boon, Boykin, Bynum, Byrum, Cherry, Conrad, Cooper, Cox, Davenport, Dickinson, Douglass, Eccles, E. Foy, F. Foy, Gary, Gillespie, Glisson, Gold, Gaston, Harper, Hill, Hodges, Jackson, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Kilpatrick, Lawson, Mann, Moore, Morehead, M'Dearmid, M'Millan, M'Nair, Riddick, Rhodes, Ruffin, Scott, Shine, Simmons, Smith, Speller, Spruill, W. W. Stedman, Stephens, Styron, Troy, R. Walker, H. Walker, Webb, Whitfield, Wilder, E. Williams, Wilkinson—63 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, DECEMBER 13, 1827.

On motion of Mr. Smith, ordered that a message be sent to the Senate, proposing to ballot this morning for Public Treasurer.

On motion of Mr. Gary,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the criminal law as to make the breaking and entering out houses, not within the curtilage, and taking goods or property therefrom, felony; and report by bill or otherwise.

Mr. Hampton presented a bill requiring ministers of the gospel and justices of the peace to return marriage licenses to the Clerks of the County Courts, and for other purposes; and Mr. W. W. Stedman presented a bill supplemental to an act for the improvement of the navigation of Perquimons river above Newby's bridge, passed in 1821. The said bills were read the first time, the former passed, and the latter referred to the committee on Internal Improvements.

A message from the Senate, agreeing to ballot this morning for Public Treasurer, and informing that Mr. Ramsay and Mr. Burney attend this House as a committee to conduct the balloting on their part. Ordered that the Senate be informed by message, that Mr. Smith and Mr. King form the committee on the part of this House to superintend the balloting for Public Treasurer.

On motion of Mr. Scott, ordered that a message be sent to the Senate, proposing to ballot on Saturday morning next for a Council of State, and informing that Thomas Kenan, George W. Jeffreys, Gideon Alston, William B. Lockhart, William Blackledge, Archibald M'Bryde, John M'Dowell, Isaac T. Avery, Meshack Franklin and William L. Davidson, are in nomination for the appointments.

On motion of Mr. Nelson,

*Resolved*, That the committee on the Judiciary inquire into the expediency of so amending the laws on the subject of registering of grants from the State, in the county in which the land lies, as to prevent individuals from being injured by entering lands which have already been patented, but the grant not registered; and also to prevent the State from being defrauded by the loss of taxes on lands so patented.

Mr. Smith, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot again immediately for Public Treasurer. The message was concurred in, and the Senate informed by message, that Mr. Lewis and Mr. White form the committee of superintendence of the balloting for Public Treasurer on the part of this House.



Mr. Hill presented a bill to appropriate \$6,232, for the purpose of improving the Cape-Fear river below the town of Wilmington, and for other purposes. The said bill was read the first time, and referred to the committee on Internal Improvements.

A message from the Senate, informing that Mr. Hinton and Mr. Davenport attend this House as a committee to superintend the balloting for Public Treasurer on their part.

Mr. Bynum, from the committee of Claims, to whom was referred the petition of John Davis, praying to be placed on the pension list, reported that the committee had, according to order, considered the said petition, and instructed him to recommend that it be rejected. The report was read and concurred in.

On motion of Mr. Brevard, ordered that he have leave to withdraw from the files the petition of John Davis.

Mr. Lewis, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed the duty assigned to them; and that it appeared, on an examination of the ballots, neither of the candidates had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot again immediately for Public Treasurer. The message was concurred in, and the Senate informed by message, that Mr. Glisson and Mr. Hardy attend the Senate as a committee on the part of this House to conduct the balloting.

Mr. Brevard presented the following resolution:

Whereas, by the 19th section of the Constitution of this State, the Governor is empowered to grant pardons and reprieves, except when the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct:

*Resolved therefore,* That the committee on the Judiciary be directed to inquire how those powers have been generally executed since the formation of the Constitution, and endeavor to ascertain the expediency of legislating on the last clause aforesaid; and that they report by bill or otherwise.

A message from the Senate, informing that Mr. Dobson and Mr. Askew, of Bertie, attend this House as a committee on their part to superintend the balloting for Public Treasurer.

Mr. Morehead, in pursuance to a petition, presented a bill to incorporate the New Garden Library Society. The said bill was read the first time and passed.

Mr. Glisson, from the committee appointed for the purpose of superintending the balloting for Public Treasurer, reported that the Committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The report was concurred in.

On motion of Mr. M'Dearmid,

*Resolved,* That the committee of Internal Improvements be instructed to inquire into the expediency of so amending the existing law, prohibiting the entry of vacant swamp and marsh lands in this State, so as to include those only, which it is probable the State will drain, and report by bill or otherwise.

The bill repealing an act, passed in 1818, chapter 790, entitled "an act fixing the sum hereafter to be paid to the State for vacant lands, was read the second time and rejected—yeas 53, nays 60. The yeas and nays called for by Mr. Jones. of Warren.

Those who voted in the affirmative, are Messrs. Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Blackwood, Boon, Boykin, Brittain, Busbee,



Bynum, Clayton, Clement, Cooper, Cox, Douglass, Falls, E. Foy, F. Foy, Gilmore, Glisson, Gold, Gordon, Green, Hampton, Hill, Hodges, Hough, H. C. Jones, Kerr, Leonard, Lilly, Little, Love, Mann, Marshall, Mitchell, M'Dearmid, M'Nair, Newland, Neill, Purcell, Roberts, Salmons, Scott, Seawell, Simmons, N. A. Stedman, Stephens, Summers, Thomas, Troy, Underwood, Wadsworth, E. Williams, A. Williams—55 yeas.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Barnett, Battle, Bateman, Benners, Blount, Borden, Brevard, Burke, Byrum, Cherry, Conrad, Davenport, Dickinson, Donoho, Dozier, Eccles, Ellis, Fisher, Gary, Glasgow, Gaston, Harper, Hardy, Hastings, Jackson, Jasper, W. W. Jones, R. H. Jones, Kilpatrick, King, Lawson, Morehead, M'Lean, Nelson, Perry, Plummer, Pool, Riddick, Rhodes, Ruffin, Sharpe, Shine, Simpson, Speller, Stewart, Stockard, Styron, Taylor, Tillett, R. Walker, H. Walker, Webb, Wheeler, Whitfield, Whitaker, Wilder, Wilkinson—60 nays.

Mr. Douglass, who voted in the majority yesterday, on the rejection of the bill to divorce Winefred Everett, of Anson county, from her husband John Everett, moved that the House do reconsider that vote. The question thereon was determined in the negative—yeas 51, nays 73. The yeas and nays called for by Mr. Jones, of Warren.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Bateman, Blackwood, Borden, Bozman, Brevard, Brittain, Burke, Burns, Busbee, Clement, Donoho, Douglass, Dozier, Fisher, Gilmore, Gold, Gordon, Hampton, King, Leonard, Lilly, Little, Love, Marshall, Mitchell, M'Lean, Nelson, Newland, Neill, Patterson, Plummer, Purcell, Rhodes, Roberts, Seawell, Simpson, N. A. Stedman, Stewart, Stockard, Styron, Summers, Taylor, Tillett, Underwood, Wadsworth, Whitaker, A. Williams—51 yeas.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Barnhardt, Barnett, Battle, Benners, Blackledge, Blount, Boon, Boykin, Bynum, Byrum, Cherry, Clayton, Conrad, Cooper, Cox, Davenport, Dickinson, Eccles, Ellis, Falls, E. Foy, F. Foy, Gary, Gillespie, Glasgow, Glisson, Green, Gaston, Harper, Hardy, Hastings, Hill, Hodges, Hough, Jackson, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Kilpatrick, Lawson, Lewis, Mann, Morehead, M'Dearmid, M'Millan, M'Nair, Perry, Pool, Riddick, Ruffin, Salmous, Sharpe, Shine, Simmons, Speller, Spruill, Stedman, Stephens, Thomas, Troy, R. Walker, H. Walker, Webb, Wheeler, Whitfield, Wilder, E. Williams, Wilkinson—73 nays.

The resignation of Isaac Winston, Colonel Commandant of the 29th regiment, attached to the 17th brigade of the militia, was presented, read and accepted.

On motion, ordered that the Senate be informed by message, that the name of Alexander Elliott is added to the nomination for Counsellors of State.

The House then adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 14, 1827.

On motion of Mr. Glisson, ordered that a message be sent to the Senate, proposing to ballot this morning for Public Treasurer, and informing that the name of John S. Haywood is withdrawn from the nomination for Treasurer.

On motion of Mr. Jones, of Warren, ordered that a message be sent to the Senate, proposing to ballot to-morrow morning for a Board of Internal Improvements, and informing that Cadwallader Jones, Andrew Joiner, James M'Kay and Marsden Campbell are nominated for the appointments.

A message from the Senate, informing that Mr. Speight of Greene and Mr. Wilson of Edgecomb attend this House as a committee on their part to superintend the balloting for Public Treasurer; and proposing that the superintendents be directed to wait on the sick members in their chambers to receive their ballots. Ordered that the Senate be informed by mes-



sage, that Mr. Gary and Mr. Glisson attend the Senate as a committee of superintendence of the balloting for Public Treasurer, and of the dissent of this House to the proposition that the superintendents wait on the sick members to receive their ballots.

Received from the Senate, a resolution for the purpose of raising a select joint committee to inquire into the expediency of establishing a penitentiary in connexion with an asylum for idiots and lunatics.

*Resolved*, That said committee prepare and report the most approved plan, with an estimate of the probable cost, embracing a view of the best system of government for such institution.

*Resolved*, That should the proper information be not within reach of the committee, they submit a plan by which the necessary view of the subject may be obtained, in order to be submitted to a future Legislature.

*Resolved*, That Messrs. Sheber, Owen, Franklin, Wilson of Edgecomb and Davidson form the committee on the part of this House.

The said resolution was read, concurred in, and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Morehead, Alexander, Scott, Brevard and Little.

Mr. Gary, from the committee appointed to superintend the balloting for Public Treasurer, reported that the committee had performed that duty; and that, on examining the ballots, a majority of the whole number was found to be in favor of William Robards, who was duly elected. The report was concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to divorce Jesse Borden, of Wayne county, from his wife Ann; a bill to amend an act, passed in the year 1810, entitled "an act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this State,'" as relates to the Peedee and Yadkin rivers; a bill to allow the right of challenge to the State in certain cases; and a bill directing the manner in which roads shall hereafter be established, altered, turned and discontinued in the county of Richmond; and asking the concurrence of this House.

Mr. M'Dearmid presented a bill concerning the committee of Finance and receivers of public monies in the county of Cumberland; Mr. Salmon presented a bill to exempt from certain public duties the keeper of the poor house in the county of Stokes. These bills were read each the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill, entitled "a bill to repeal an act passed in the year 1826, appointing commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton," with an amendment, and asking the concurrence of this House. The said amendment was read, concurred in, and the Senate informed thereof by message; also that they had passed the engrossed bill, entitled "a bill to establish a Turnpike road in the county of Buncombe," with several amendments, and asking the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

The bill directing the manner in which roads shall hereafter be established, altered, turned and discontinued in the county of Richmond; also the bill to allow the right of challenge to the State in certain cases; and



the bill to amend an act, passed in the year 1810, entitled "An act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this State,'" as relates to the Peedee and Yadkin rivers, were respectively read and ordered to lie on the table.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Surry county, in favor of Etheldred Edwards, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill in pursuance of the prayer of the petition, entitled "a bill to restore to credit Etheldred Edwards, of Iredell county." The said bill was read the first time and passed.

The bill to repeal an act, passed in the year 1826, appointing commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton, was read, and, on motion, ordered to be laid on the table.

The bill to divorce Jesse Borden, of the county of Wayne, from his wife Ann, was read the first time, and, on motion of Mr. Webb, postponed indefinitely.

Mr. Gillespie presented the petition of a number of the citizens of Duplin county, praying for the repeal of an act of the last General Assembly, altering the sittings of the Courts of said county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Cooper presented the following resolution:

*Resolved*, That all bills shall pass the first reading without debate or amendment.

The question to concur with the resolution, was determined in the negative.

The resignations of Alexander W. Brandon, Colonel Commandant of a regiment of Cavalry, composed of the 14th brigade of the second division of the militia; and William D. Freeman, Lieutenant Colonel of the 29th regiment of the militia, were read and accepted.

On motion, ordered that Mr. Ellis have leave of absence from the service of this House for to-morrow.

On motion of Mr. Cox,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing law, respecting the estates of deceased persons, as that all debts due by an intestate or testator, either by account or assumpsit, shall be considered as of high dignity as a bond, note or liquidated account; and that the assets in the hands of an administrator or executor, shall be subject to the payment of such judgments as shall be first obtained without reference to the dignity of the claims on which said judgments were founded; and that they report by bill or otherwise.

Mr. Ellis presented a bill to authorise the commissioners of the town of Hookerton, in the county of Greene, to sell the pews in the chapel, recently erected in said town; which was read the first time and passed.

On motion of Mr. Hough.

*Resolved*, That the Judiciary committee be instructed to inquire into the propriety of passing a law to prevent the stopping or obstructing of usual ways to and from public mills; and report by bill or otherwise.

The bill to annex the village of Drysborough, in the county of Craven, to the town of Newbern, was read the second time, amended and passed.

Mr. Taylor, who voted yesterday in the majority on the question of re-



jection of the bill repealing an act, passed in the year 1818, chapter 790, entitled "An act fixing the sum hereafter to be paid to the State for vacant lands," moved that the House reconsider that vote. The question thereon passed in the affirmative. Whereupon, Mr. Webb moved that the further consideration of said bill be postponed until the 15th day of May ensuing. The question thereon passed in the negative. The bill was then put on its passage for its third reading, and rejected—yeas 53, nays 61. The yeas and nays called for by Mr. Perry.

Those who voted in the affirmative, are Messrs. Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Benners, Boon, Boykin, Brittain, Busbee, Bynum, Clayton, Clement, Cooper, Douglass, Gillespie, Glasgow, Glisson, Gold, Gordon, Hastings, Hill, Hodges, Hough, H. C. Jones, Leonard, Lilly, Little, Love, Marshall, Mitchell, Moore, M'Dearmid, M'Millan, M'Nair, Newland, Neill, Patterson, Plummer, Purcell, Roberts, Salmons, Seawell, Simmons, Smith, Stephens, Summers, Thomas, Troy, Underwood, Wadsworth, White, E. Williams, A. Williams—53 yeas.

Those who voted in the negative, are Messrs. Alexander, Ball, Barnard, Barnett, Battle, Blackledge, Blackwood, Blount, Borden, Bozman, Brevard, Burke, Burns, Byrum, Cherry, Conrad, Davenport, Dickinson, Donoho, Dozier, Eccles, Ellis, Gary, Hampton, Harper, Hardy, Jackson, Jasper, W. W. Jones, R. H. Jones, Kilpatrick, King, Lawson, Lewis, Mann, Morehead, M'Lean, Nelson, Perry, Pool, Riddick, Ruffin, Sharpe, Shine, Simpson, Speller, Spruill, W. W. Stedman, Stewart, Stockard, Styron, Taylor, Tillett, R. Walker, H. Walker, Webb, Wheeler, Whitfield, Whitaker, Wilder, Wilkinson—61 nays.

The bill for the more convenient administration of justice within a portion of the counties of Burke and Buncombe, was read the second time. Mr. Stedman moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 57, nays 62.

Those who voted in the affirmative, are Messrs. Adams, Alexander, Ball, Barnard, Battle, Bateman, Benners, Blount, Borden, Bozman, Burke, Burns, Bynum, Byrum, Cherry, Cooper, Cox, Davenport, Dickinson, Dozier, Ellis, Fisher, E. Foy, Harper, Hardy, Hastings, Hill, Jackson, Jasper, R. H. Jones, Kerr, Kilpatrick, King, Lawson, Leonard, Mann, Nelson, Perry, Pool, Riddick, Ruffin, Sharpe, Shine, Simmons, Speller, Spruill, W. W. Stedman, Stephens, Stewart, Styron, Tillett, R. Walker, Webb, Whitaker, Wilder, E. Williams, Wilkinson—57 yeas.

Those who voted in the negative, are Messrs. Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Barnett, Blackledge, Blackwood, Boon, Boykin, Brevard, Brittain, Clayton, Clement, Conrad, Donoho, Douglass, Eccles, Falls Gary, Gillespie, Gilmore, Glasgow, Glisson, Gold, Gordon, Hampton, Hodges, Hough, H. C. Jones, Lewis, Lilly, Little, Love, Marshall, Mitchell, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Newland, Neill, Patterson, Plummer, Purcell, Roberts, Salmons, Seawell, Simpson, Smith, N. A. Stedman, Stockard, Summers, Taylor, Thomas, Troy, Underwood, Wadsworth, H. Walker, White, A. Williams—62 nays.

On motion, ordered that the said bill be laid on the table.

The House proceeded to the order of the day, and resolved itself into a committee of the Whole on the bill to vest the election of the Sheriffs in the free men in the county, Mr. Donoho in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Donoho reported that the committee of the Whole, according to order, had had the said bill under consideration, and had made progress therein, and instructed him to ask leave to sit again on said bill on Monday next. The report was concurred in.

The House then adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 15, 1827.

Mr. Stephens presented a bill appointing commissioners to run and establish the boundary lines between the counties of Bladen and Columbus. The said bill was read the first time and passed.



A message from the Senate, consenting to ballot this morning for a Council of State for the ensuing year, and informing that the name of Alfred Jones is added to the nomination; and informing that they had passed the engrossed bill to divorce Keziah Sawyer, of the county of Craven, from her husband James Sawyer; also the engrossed resolution relative to the interchange of laws with other States; and asking the concurrence of this House.

The engrossed resolution relative to the interchange of laws with other States, was read the first time and passed.

A message from the Senate, informing that Mr. Owen and Mr. Franklin form on their part the committee to superintend the balloting for a Board of Internal Improvements.

On motion, ordered that the Senate be informed by message that Mr. Hill and Mr. Blount form the committee on the part of this House to superintend the balloting for a Board of Internal Improvements; and that the name of Marsden Campbell is withdrawn from the nomination, and that of Otway Burns added.

On motion, ordered that the Senate be informed by message that Mr. Gary and Mr. Ruffin attend the Senate as a committee to superintend the balloting for Counsellors of State for the ensuing year on the part of this House; and that the name of Elijah Callaway is added to the nomination.

On motion of Mr. Fisher,

*Resolved*, That William Robards, Treasurer elect, enter on the duties of his office as soon as he gives bond and takes the oath of office now required by law.

A message from the Senate, informing that Messrs. Nuttall and Montgomery attend this House as a committee on their part to superintend the balloting for Counsellors of State.

Mr. Little presented a bill to authorise Absalom Myers, sheriff of Anson county, to collect the arrears of taxes for the years therein mentioned; Mr. Boon presented a bill requiring the public register of Orange county to keep his office at the court house of said county; Mr. A. Williams presented a bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Davidson; Mr. Gillespie presented a bill for the better regulation of the town of Kenansville, in the county of Duplin; and Mr. Fisher presented a bill to limit the appointment of Solicitor General and Solicitors to four years. These bills were severally read the first time and passed.

Mr. Stewart, from the select committee to whom was referred a resolution on the subject of the fisheries on the Roanoke and Cashie rivers and the Albemarle Sound, reported that the committee had considered the said resolution, and instructed him to report a bill, in pursuance to its object, to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters. The said bill was read the first time and passed.

Mr. Eccles, in pursuance to a petition, presented a bill to incorporate the Cotton Plant steam boat Company; which was read the first time and passed.

Mr. Hill, from the committee appointed to superintend the balloting for a Board of Internal Improvements, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared Cadwallader Jones, James M'Kay, and Andrew Joiner had each a majority of the whole number, and were duly elected. The report was concurred in.



The several amendments made in the Senate, in the engrossed bill to repeal an act, passed in the year 1826, appointing commissioners to lay off and cause to be opened a public road from Lincolnton to Rutherfordton, were severally read and concurred in, and the Senate informed by message.

The bill to annex the village of Drysborough, in the county of Craven, to the town of Newbern, was read the third time, amended, passed and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Hill, from the committee on Internal Improvements, reported a bill concerning the entry of lands covered by the waters of lakes Pungo, Phelps and Mattamuskeet. The said bill was read the first time and passed.

Mr. Whitaker presented the petition of Titus Jennings Turner, of the county of Wake, praying to be placed on the pension list; Mr. Glasgow presented the petition of Hannah Mitchell, praying to have property secured to her from the claim of her husband and his creditors. These petitions were referred, the former to the committee of Claims, the latter to the committee on Divorce and Alimony.

Mr. Allen, of Montgomery, presented the petition of Rosewell King, of Montgomery county, stating the advantages likely to result to the State, from the raising of sheep, and praying for certain privileges relative thereto. Ordered that the said petition be referred to the select committee.

On motion of Mr. Busbee,

*Resolved*, That whereas, sundry persons holding military commissions, and residing in the counties of Wake, Franklin and Warren, were ordered by Brigadier General Blount to convene at Nashville, in Nash county, on the 30th of July, 1824, for the purpose of forming a Court Martial to try Col. David Daniel, of the Nash Regiment, on charges and specifications then and there preferred against him.

And whereas, the said officers could not perform said duty without manifest inconvenience and expense: Therefore,

*Resolved*, That the Public Treasurer be instructed to pay to said officers respectively, the amount of pay, &c. they would have been entitled to receive, had they been called into actual service by the Governor of the State, they first presenting their accounts properly made out and attested on oath of the time actually engaged, and the distance they had to travel in going to, and returning from said Court Martial.

On motion, ordered that the said resolution be referred to the Military committee.

Mr. Gary, from the committee appointed to superintend the balloting for Counsellors of State for the ensuing year, reported that the committee had, according to order, performed that duty; and that it appeared, on examining the ballots, Gideon Alston, William Blackledge, George W. Jeffreys, Meshack Franklin, William B. Lockhart and Isaac T. Avery had each a majority of the whole number, and were duly elected. The report was concurred in.

A message from the Senate, proposing to ballot for one Counsellor of State, and informing that Mr. Hollamon and Mr. Fuller form the balloting committee on their part.

On motion, ordered that the Senate be informed by message that Mr. Lilly and Mr. Little form the committee on the part of this House to superintend the balloting for one Counsellor of State.

The bill to exempt from certain public duties the keeper of the poor house in the county of Stokes; also the bill to incorporate the New Gar-



den Library Society; also the bill respecting the elections in the county of Perquimons; and also the bill concerning the committee of Finance and receivers of public monies in the county of Cumberland, were respectively read the second and third times, and the question, shall the said bills pass their several readings? was determined in the affirmative. On motion, ordered that the said bills be engrossed and sent to the Senate for concurrence.

The engrossed bill to authorise Zachariah Elliot, one of the securities of Henry S. Taylor, late sheriff of Greene county, to collect arrears of taxes, was read the second and third times, and the question, shall the said bill pass its several readings and be enrolled, was determined in the affirmative.

The engrossed bill to alter the place of holding a battalion muster in Carteret county, was read the second and third times and amended. The question, shall the said bill pass its second and third readings, as amended? was determined in the affirmative. Ordered that the said bill be sent to the Senate, asking the concurrence of that House to the amendment.

The engrossed bill to divorce Keziah Sawyer, of the county of Craven, from her husband James Sawyer, was read the first time, and the question, shall the said bill pass? was determined in the negative.

The bill to authorise the commissioners of the town of Hookerton, in the county of Greene, to build pews in the chapel recently erected in said town; also the bill to restore to credit Etheldred Edwards, of Iredell county, were read the second time, and the question, shall the said bills pass? was determined in the affirmative.

The bill to amend an act, passed in the year 1810, entitled "an act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within the State,'" as relate to the Peedee and Yadkin rivers, was read the first time; and the question, shall the said bill pass its first reading? was determined in the affirmative.

The resignation of Charles Butler, justice of the peace for the county of Sampson, was presented, read and accepted.

The resolution authorising William Robards, the Treasurer elect, to enter upon the duties of his office as soon as he shall have given bond and taken the oath of office prescribed by law, was returned from the Senate concurred in.

The resolution in favor of Joseph Welch and Mark Coleman, was read the second time and passed. On motion, ordered that the said resolution be read the third time. The question, shall the said resolution pass its third reading? was determined in the affirmative—yeas 69, nays 42. The yeas and nays called for by Mr. Underwood.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Barnard, Benners, Blackledge, Blount, Borden, Brevard, Brittain, Burns, Busbee, Bynum, Clayton, Clement, Conrad, Cox, Dickinson, Donoho, Douglass, Dozier, Eccles, Falls, Fisher, E. Foy, F. Foy, Gillespie, Gilmore, Glasgow, Gold, Gordon, Gaston, Hampton, Hardy, Hill, Hodges, Hough, Jasper, R. H. Jones, H. C. Jones, Kiug, Lewis, Lilly, Love, Mitchell, Moore, Morehead, M'Lean, M'Millan, Nelson, Neill, Patterson, Plummer, Pool, Purcell, Rhodes, Salmons, Scott, Sharpe, Shine, Spruill, Styron, Summers, R. Walker, Wheeler, White, Whittied, E. Williams, A. Williams—69 yeas.

Those who voted in the negative, are Messrs. Baker, Ball, Barnhardt, Battle, Blackwood, Boon, Boykin, Burke, Byrum, Cherry, Cooper, Davenport, Glisson, Harper, Hastings,



Jackson, Kerr, Kilpatrick, Lawson, Little, Mann, Marshall, M'Dearmid, M'Nair, Perry, Seawell, Simmons, Simpson, Smith, Stephens, Stewart, Stockard, Taylor, Thomas, Tillet, Troy, Underwood, H. Walker, Webb, Whitaker, Wilder, Wilkinson—42 nays.

Ordered that the said resolution be engrossed and sent to the Senate for concurrence.

On motion of Mr Blackledge,

*Resolved*, That Hardy B. Croom have leave to withdraw from the Public Library, for the space of twelve months, the work entitled "Lawson's History of North Carolina," for the purpose of republishing the same, with notes critical and explanatory, upon his leaving a receipt for the same with the Librarian.

Sent to the Senate for concurrence.

The resolution appointing Joseph Ross Librarian to the State Library, was read the second time, passed, and, on motion, laid on the table.

The House then adjourned until Monday morning next, 10 o'clock.

#### MONDAY, DECEMBER 17, 1827.

Mr. Hough presented the petition of sundry citizens of the county of Surry, on the subject of ascertaining the centre of said county. Ordered that the said petition be referred to Messrs. Hough, Douglass, Taylor, Simpson and Jones of Rowan.

Mr. Gary, from the committee of Propositions and Grievances, to whom were referred the petitions of Henry Houston and Robert Robeson, of Mecklenburg county, respectively praying to be placed on the pension list, reported that the committee, according to order, had considered the said petitions, and instructed him to recommend their rejection. On motion, ordered that the said report lie on the table.

Mr. Little, from the committee appointed to superintend the balloting for one Counsellor of State, reported that the committee had performed that duty; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

Mr. Bynum, from the committee of Claims, to whom was referred the resolution instructing the Treasurer to pay to the agents of Caleb Spencer, administrator of John Bonner, late of the county of Hyde, the sum of \$156 30, reported that the committee, according to order, had considered the resolution, and instructed him to recommend that it be passed, with an amendment raising the sum to \$157 25. The question to concur with the report was determined in the affirmative.

Mr. Wilkinson, with leave, presented a bill to incorporate Mount Moriah Lodge, in the county of Edgecomb. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Newland presented the petition of Leonard Hicks, praying for a pension. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Alexander, with leave, presented a bill supplementary to the several acts now in force for the relief of insolvent debtors. The said bill was read the first time, and, on motion, referred to the Judiciary committee.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the bill to repeal the several laws of this State relative to the inspection of produce, reported that the committee, according to order.



had had the said bill under consideration, and instructed him to recommend that the said bill be rejected. On motion, ordered that the said report be laid on the table.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of so altering or amending the laws now in force, as more effectually to prevent slaves from hiring their own time and making their own bargains to labour, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to recommend that further legislation upon the subject is unnecessary, and to recommend its rejection. The question to concur with the report was determined in the affirmative.

Mr. Alexander, from the committee appointed to investigate the business connected with the Treasury Department, to whom was referred the resolution instructing them to inquire into the claim of James Patton, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to present a resolution and recommend its passage, authorising the Public Treasurer to pay to James Patton, of Buncombe county, the sum of two hundred and seventy-five dollars. The said resolution was read the first time and passed.

Mr. Donoho, from the select committee, to whom was referred so much of the message of his Excellency the Governor, as relates to the Cherokee Lands; and also the message enclosing the report of the commissioners appointed under an act of the last General Assembly of this State, entitled "An act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians," have, according to order, had the same under consideration, reported that the committee instructed him to present a bill, entitled "a bill to amend an act, passed in the year 1826, entitled 'an act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, and for other purposes,'" in pursuance thereto. The said bill was read the first time and passed. On motion, ordered that the said bill be printed, one copy for each member of the Assembly.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of increasing the tax on all gates, erected across public highways, reported that the committee, according to order, had considered the resolution, and instructed him to report a bill to amend the 7th section of the act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government, passed in the year 1822," and to recommend its passage. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Blackledge, from the select committee, to whom was referred the resolution directing them to inquire into the state of the Literary Fund; and also to inquire whether any bond had been taken from the person entrusted with the safe keeping of the monies belonging to the President and Directors of the Literary Fund, for the due and faithful performance of his duty, reported that the committee had, according to order, had the subjects referred to them under consideration, and instructed him to report a bill to provide for the safe keeping of the money appropriated to the



Literary Fund, and to recommend its passage. The said bill was read, and, on motion, ordered to be printed, one copy for each member of the Assembly.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a bill, entitled "a bill extending the jurisdiction of justices of the peace in criminal cases," reported that the committee, according to order, had the said bill under consideration, and instructed him to recommend that it be rejected. This bill was read and ordered to lie on the table.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of a number of the citizens of Duplin county, praying for an alteration of the times of sitting of the Courts of Pleas and Quarter Sessions in said county, reported that the committee had, according to order, considered the said petition, and deem the prayer thereof to be reasonable, and instructed him to present a bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Duplin, and to recommend its passage. The said report was read and rejected.

The House, according to the order of the day, resolved itself into a committee of the Whole, Mr. Donho in the Chair, on the bill to vest the election of the Sheriffs in the freemen of the county; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Donoho reported that the committee of the Whole had again, according to order, the said bill under consideration, and instructed him to report to the House, that the said bill, with the several amendments made in committee of the Whole, be passed into a law. Mr. Burns moved that the further consideration of said bill be indefinitely postponed, and called for the yeas and nays. The question, shall the said bill be postponed indefinitely? was determined in the affirmative—yeas 63, nays 63. The House being equally divided, the Speaker voted in the affirmative.

Those who voted in the affirmative, are Messrs. Adams, Alexander, Baker, Barnhardt, Barnett, Bateman, Benners, Blount, Borden, Bozman, Burns, Bynum, Byrum, Dickinson, Donoho, Douglass, Eccles, Ellis, Fisher, E. Foy, F. Foy, Gillespie, Gordon, Gaston, Hampton, Harper, Hardy, Hill, Hough, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Kilpatrick, King, Lewis, Mann, Mitchell, Moore, Morehead, M'Lean, M'Millan, M'Nair, Patterson, Plummer, Roberts, Ruffin, Salmons, Scott, Sharpe, Shine, Simmons, Simpson, Spruill, Stephens, Stewart, Tillett, Washington, Webb, Wheeler, White, Whitfield, E. Williams,—63 yeas.

Those who voted in the negative, are Messrs. Allen of Buncombe, Allen of Montgomery, Barnard, Battle, Blackledge, Blackwood, Boon, Boykin, Brevard, Brittain, Burke, Busbee, Cherry, Clayton, Clement, Conrad, Cooper, Cox, Davenport, Dozier, Falls, Gary, Gilmore, Glasgow, Glisson, Gold, Green, Hastings, Hodges, Jackson, Jasper, Lawson, Leonard, Lilly, Little, Love, Marshall, M'Dearmid, Nelson, Newland, Neill, Perry, Pool, Purcell, Riddick, Seawell, Smith, Speller, W. W. Stedman, N. A. Stedman, Stockard, Styron, Summers, Thomas, Troy, Underwood, Wadsworth, R. Walker, H. Walker, Whitaker, Wilder, A. Williams, Wilkinson—63 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, DECEMBER 18, 1827.

On motion of Mr. Gillespie, ordered that he have leave to withdraw from the files the petition of sundry inhabitants of the county of Duplin.

James Bozman, the member elected for the town of Edenton to supply the vacancy in the representation of said town, in consequence of the resignation of James Iredell, appeared, produced his credentials, qualified and took his seat.



Mr. Hill, with leave, presented a bill to amend an act, entitled "an act to amend an act, entitled 'an act laying duties on sales at auctions of merchandise;" Mr. Styron presented a bill to compel the Register and Clerk of the County Court of Hyde to keep their respective offices at the court-house in said county; Mr. Marshall presented a bill to repeal the second, third and fourth sections of an act, passed in the year 1819, entitled "an act prescribing the manner of assessing lands in this State," so far as relates to the county of Anson. These bills were respectively read the first time, and the question, shall the said bills pass? was determined in the affirmative.

A message from the Senate, proposing to ballot this morning for a Counsellor of State. The message was concurred in, and the Senate informed that Mr. H. C. Jones and Mr. Boykin wait on the Senate as a committee on the part of this House to conduct the balloting; and further that the names of William L. Davidson and Elijah Calloway are withdrawn from the nomination.

A message from the Senate, informing that they had passed the engrossed bill concerning the Public Treasurer; also the engrossed bill to divorce William Holland, of Craven county, from his wife Esther, and asking the concurrence of this House; and informing further that the Senate agree with the amendment made in the engrossed bill to alter the place of holding a battalion muster in Carteret county, and the amendment made in the engrossed resolution in favor of the heirs of John Bonner.

A message from the Senate, informing that Mr. Williams of Martin and Mr. Burney form the committee to conduct the balloting for one Counsellor of State on their part.

A bill for the more convenient administration of justice within a portion of the counties of Burke and Buncombe, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, proposing to ballot on Thursday next for Brigadier General of the 5th brigade, and informing that Louis D. Wilson is nominated for the appointment. The message was concurred in, and the Senate informed that the name of Carter Jones is added to the nomination.

On motion of Mr. Jones, of Warren, ordered that the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of providing by law for a certain number of peremptory challenges in all capital pleas of the State, be discharged from the consideration of said resolution.

Mr. H. C. Jones, from the committee appointed to superintend the balloting for a Counsellor of State, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the propriety of providing by law for the settlement of the titles of the Indian reserves in the county of Haywood, reported that the committee, according to or-



der, had the said resolution under consideration, and instructed him to report a bill respecting certain reservations claimed by Indians in the lands lately acquired by treaty from the Cherokee nation, and to recommend its passage. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

The bill to increase the penalty of the official bonds of the Clerks of the several Courts of record in this State, and to provide for the deposite and safe keeping said bonds, was read the second time, amended, and the question, shall the said bill, as amended, pass? was determined in the affirmative.

Mr. Scott, with leave, presented a bill to repeal an act, passed in 1826, entitled "an act for the protection of securities;" which was read the first time and passed, and, on motion, referred to the Judiciary committee.

On motion of Mr. Cox, ordered that he have leave to withdraw from the files the petition of James Patton.

A message from the Senate, proposing to ballot immediately for a Counsellor of State. The message was concurred in, and the Senate informed that the names of Alfred Jones and Alexander Elliott are withdrawn from the nomination, and that Messrs. Marshall and Brittain form the committee of superintendence of the balloting.

The engrossed bill concerning the Public Treasurer, was read, and, on motion, ordered to lie on the table and be printed, one copy for each member of the Assembly.

Mr. Morehead, with leave, presented a bill to make provision for widows when they dissent from the wills of their husbands; Mr. Fisher presented a bill to authorise and direct the Sheriff of Rowan county to collect the taxes imposed by the commissioners of the town of Salisbury; Mr. Lewis presented a bill for the more effectual administration of justice in the Court of Pleas and Quarter Sessions for the county of Caswell; Mr. Webb presented a bill to amend an act, passed in the year 1819, entitled "an act prescribing the manner of assessing lands in this State for taxation;" Mr. Burns presented a bill to amend the wreck laws of this State, so far as regards the districts in the county of Carteret. These bills were respectively read the first time, and the question, shall the said bills pass? was determined in the affirmative.

A message from the Senate, informing that Messrs. Deberry and M'Dowell form the committee of superintendence of the balloting for one Counsellor of State for the ensuing year on their part.

On motion of Mr. Stewart,

*Resolved*, That a select committee be appointed to inquire whether any, and if any, what amendments are expedient or necessary, in the act passed in the year 1826, entitled "an act to prohibit the trading with slaves, except in the manner therein prescribed."

On motion, ordered that the said resolution be referred to Messrs. Stewart, Bynum, Lewis, White and J. Bozman.

Mr. Marshall, from the committee appointed to superintend the balloting for one Counsellor of State, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, Archibald M'Bryde had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

On motion of Mr. Stockard,



*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of settling by law the priority of lien between executions issued by justices of the peace, so as to fix the lien in favor of the younger executions which have been actually levied.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to amend the different acts of the General Assembly concerning dower; a bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river; and a bill to appoint a committee of Finance for the county of Surry; and asking the concurrence of this House.

The engrossed bill to amend the different acts of the General Assembly concerning dower; also the engrossed bill to appoint a committee of Finance for the county of Surry; and also the engrossed bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river, were severally read the first time, and the question shall these bills pass? was determined in the affirmative.

The bill to extend the time of registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; also the bill to authorise the County Court of Gates to appoint a committee of Finance, were read the third time, and the question shall the said bills pass? was determined in the affirmative. Ordered that the former bill be enrolled, and the latter engrossed and sent to the Senate for concurrence.

The engrossed bill to secure to Mary E. Roland, of Robeson county, such property as she may hereafter acquire, was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Smith, with leave, presented a bill to repeal an act, passed in the year 1825, entitled "an act to create a fund for the establishment of common schools. The said bill was read, and, on motion, referred to the committee of Education.

Mr. Love presented the following resolution:

*Resolved*, That the Public Treasurer pay William Welch fifty-seven dollars on account of being detained by sickness on his way home to his own residence, in Haywood county, from Raleigh, as a member of the General Assembly for the year 1820; and that he be allowed the same in the settlement of his public accounts.

On motion, ordered that the said resolution be referred to the committee of Claims.

Mr. Blackledge presented the petition of Rhoda Bell, of the county of Beaufort; and Mr. Ruffin presented the petition of Susan P. Davis, of Franklin county, respectively praying to be divorced from their husbands. Ordered that the said petitions be referred to the committee on Divorce and Alimony.

Mr. Donoho presented the petition of Sarah Price, praying to have secured to her property, free from the claim of her husband. Ordered that the said petition be referred to the committee on Divorce and Alimony.

The Speaker laid before the House the representation of Mr. Yancy, appointed to represent the State in the State Bank; which was read, and, on motion, ordered to lie on the table and be printed, four copies for each member of the Assembly.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of John M'Daniel, of Jones county, praying to be restored to credit, reported that the committee had, according to order, had the said petition under consideration, and instructed him to



recommend that it be rejected. The question to concur with the report was determined in the affirmative.

The bill to subject bail to costs, and the bill prescribing the duty of the committee of Finance, were read the second time, and the question shall the said bills pass? was determined in the affirmative.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the bill to allow the right of challenge to the State in certain cases, reported that the committee, according to order, had the said bill under consideration, and instructed him to report the same with an amendment, and to recommend its passage. The said bill was read the second time, and the question shall the said bill pass? was determined in the affirmative.

Received from the Senate a resolution, proposing to raise a select joint committee to examine and settle the accounts of the Clubfoot and Harlow Creek Canal Company, and make report of the same; and informing that Messrs. Fuller, Askew of Hertford, Wilson of Edgecomb, Spaight of Craven, and Davidson, form the committee on their part. The said resolution was read and concurred in, and a committee selected, consisting of Messrs. Burns, Lewis and Benners, to join the committee appointed by the Senate.

On motion of Mr. Perry,

*Resolved*, That a select joint committee, consisting of five members from each House, be appointed for the purpose of obtaining from the President of the State Bank of North Carolina, a statement of the condition of the said Bank, so far as the State is interested.

*Resolved*, That Messrs. Perry, Wheeler, Glisson, W. A. Bozman and Hill form the committee of this House.

On motion of Mr. Lewis,

*Resolved*, That Richard Roberts be directed immediately to procure green baize curtains for the windows of the Clerks' rooms in the third story in the west wing of the State House; and that the Treasurer advance to the said Richard Roberts, the sum necessary to effect the same; which sum he shall be allowed in the settlements of his public accounts.

The said resolution was read for its first, second and third readings, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Jasper,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws now in force, concerning the maintenance of bastard children, as to make the executors and administrators of persons who die before being charged by the mother with being the father of her bastard child, liable to the support of the same, under the same regulations as by law he now is, when charged in his life time.

The resolution in favor of James Patton, of Buncombe county, was read the second time and passed.

The resignation of A. A. M'Dowell, Colonel Commandant of the regiment of Cavalry, attached to the 15th Brigade; and the resignation of John Alston, Brigadier General of the 5th brigade, were read and accepted.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a bill, entitled "a bill to compel the issuing of process out of the Courts of this State, reported that the committee, according to order, had considered the said bill, and instructed him to report that there is no necessity of additional legislation on the subject, and to recommend its rejection. The report was concurred in, and the bill reported, read and rejected.



The engrossed bill to divorce William Holland, of Craven county, from his wife Esther, was read the first time and rejected.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 19, 1827.

Mr. Love, with leave, presented a bill to establish a turnpike road in the county of Haywood. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Hill, from the committee on Internal Improvements, to whom was referred a resolution instructing them to inquire into the expediency of revising and consolidating the different acts of Assembly with regard to public roads, reported that the committee had, according to order, considered the said resolution, and instructed him to ask that the committee be discharged from the further consideration of the same. The question to concur with the report was determined in the affirmative.

Francis Ward, the member elected from the county of Washington, in place of Abner N. Vail, whose seat was vacated, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Martin; a bill concerning the sheriff of the county of Brunswick; and a bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage, and asking the concurrence of this House. The engrossed bill concerning the sheriff of Brunswick county; also the bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Martin; and also the bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage, were read the first time, and the question, shall the said bills pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the New Garden Library Society, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

The bill for the more convenient administration of justice within a portion of the counties of Burke and Buncombe, was read, and, on motion, re-committed to the same committee.

The bill directing the manner in which roads shall hereafter be established, altered and discontinued in the county of Richmond, was read the second time, and, on motion, ordered to be postponed indefinitely.

Mr. Lewis, from the committee on the public buildings, to whom was referred the resolutions appointing Joseph Ross keeper of the State House, and for other purposes; and likewise the petition of Henry Gorman on the same subject, reported that the committee, according to order, had the subject matter under consideration, and instructed him to report a bill concerning the appointment of a keeper of the State House, and for the preservation of the Statue of Washington, and to recommend its passage. The report was concurred in, and the bill reported was read the first time and passed.

Mr. Gaston, from the select committee to whom was referred the memorial of sundry citizens of Newbern, Washington, Plymouth, Edenton,



Murfreesborough, Elizabeth City and Hertford, reported that the committee had, according to order, had the said memorial under consideration, and instructed him to report a bill to incorporate the Occacock Navigation Company, and to recommend its passage. The said bill was read the first time, and the question—shall the said bill pass?—was determined in the affirmative. On motion, ordered that the report and bill be printed, one copy for each member of the Assembly.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a bill regulating the time within which demand shall be made of the maker, and notice given to the endorser of a bill, bond or promissory note, reported that the committee had, according to order, had the said bill under consideration, and instructed him to return the bill, and to recommend its rejection. On motion, ordered that the said report be laid on the table, and be printed with the bill.

Mr. Blount, with leave, presented a bill to establish a work house in the county of Beaufort, and for other purposes; and Mr. Harper presented a bill to incorporate Jerusalem Lodge, in Greene county. The bills were read the first time, and the question, shall the said bills pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to add all that part of the second regiment of militia of Burke county lying south of the Catawba river, in said county, to the first regiment; a bill for the relief of persons who have made entries of land with entry takers, or who have had lands surveyed by surveyors, who have not renewed their bonds agreeably to law; a bill to divorce William D. Taylor, of the county of Martin, from his wife Mary; and a bill to secure to Mary E. Rowland, of the county of Robeson, such property as she may hereafter acquire; and asking the concurrence of this House.

Mr. Morehead, in pursuance to a petition, presented a bill to alter the dividing line between the first and second regiments of the militia of Guilford. The said bill was read the first time and passed.

Received from his excellency the Governor, by his private secretary, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have the honor herewith to transmit you the last annual report of the Board of Directors to the Stockholders of the Roanoke Navigation Company, which has been received since the general report of the Board of Internal Improvement was communicated.

With great consideration, I have the honor to be your obedient servant.

JAMES IREDELL.

*Executive Department, N. C. 19th Dec. 1827.*

The said communication was read, and, on motion, the reports accompanying the communication ordered to be printed, one copy for each member of the Assembly.

The bill for the relief of persons who have made entries of lands with entry-takers, or who have had lands surveyed by surveyors, who have not renewed their bonds agreeably to law, was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire whether any, and if any, what alterations are necessary to be made in the act, passed at the last session of the General Assembly, entitled "an act to prevent the



fraudulent trading with slaves, except in the manner therein prescribed," reported that the committee, according to order, had the resolution before them, and directed him to ask that the committee be discharged from the consideration thereof. The question to concur with the report passed in the affirmative.

The bill to establish a medical board, and to regulate the practice of physic and surgery in this State, was read the second time and amended; and the question, shall the said bill pass? was determined in the affirmative.

The engrossed bill to add all that part of the second regiment of militia of Burke county lying south of the Catawba river, in said county, to the first regiment, was read, and, on motion, laid on the table.

The engrossed bill to divorce William D. Taylor, of Martin county, from his wife Nancy, was read the first time, and the question, shall the said bill pass? was determined in the negative.

The resignations of John Weldon, of the county of Moore, and of Lovitt Bell, of Hyde county, justices of the peace, were presented, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

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THURSDAY, DECEMBER 20, 1827.

On motion of Mr. Enoch Foy, ordered that a message be sent to the Senate, proposing to set apart Saturday evening next for the purpose of recommending field officers and justices of the peace.

Mr. Hampton, with leave, presented a bill to incorporate the town of Lexington, in the county of Davidson; Mr. Styron presented a bill to authorise Henry Gibbs, sheriff of Hyde county, to collect arrears of taxes. These bills were read the first time, and the question, shall the said bills pass? was determined in the affirmative.

Mr. Neill, from the committee to whom was referred the resolution requiring them to inquire into the propriety of causing to be laid before the next Legislature a report from the trustee of each county in this State the amount paid by each of them from the first day of January, 1827, to the first day of January, 1828, for prosecuting and punishing insolvent offenders against the State, reported that the committee, according to order, had considered the resolution, and instructed him to report a bill to compel the county trustee of each county to report the expenditures of the county in the prosecution and punishment of insolvent offenders, and to recommend its passage. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1777, entitled "an act to establish courts of law, and to regulate the proceedings therein;" and an engrossed resolution for the relief of David Rogers, of Buncombe county; and asking the concurrence of this House.

The bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river, was read the second and third times, and amended; and the question, shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be sent to the Senate for concurrence.

The engrossed bill to amend an act, passed in the year 1777, entitled



"an act to establish Courts of Law, and regulate the proceedings therein," was read the first time, passed, and ordered to be referred to the committee on the Judiciary.

The engrossed resolution for the relief of David Rodgers, of Buncombe county, was read the first time and passed.

Mr. Hill, from the committee on Internal Improvement, to whom was referred the report of the Board of Internal Improvement; and also so much of the message of his Excellency the Governor, as relates to the draining of swamp lands, reported that the committee had, according to order, considered the subject, and instructed him to report a bill to provide for the draining of Mattamuskeet Lake, and recommend its passage. The said bill was read the first time, passed, and, on motion, ordered to be printed with the report, one copy for each member of the Assembly.

The resignation of Daniel M'Iver, justice of the peace of Moore county, was presented, read and accepted.

The resolution in favor of James Patton, was read the third time, and the question, shall the said resolution pass? was determined in the affirmative—yeas 63, nays 61. The yeas and nays called for by Mr. Ellis.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnett, Bateman, Benners, Blount, Borden, Brittain, Burns, J. Bozman, Clayton, Conrad, Cox, Donoho, Eccles, Falls, F. Foy, Gillespie, Glasgow, Glisson, Gold, Gordon, Gaston, Hampton, Hill, Hodges, Hough, Jasper, W. W. Jones, Leonard, Lewis, Lilly, Little, Love, Mann, Mitchell, Moore, Morehead, M'Millan, M'Nair, Nelson, Newland, Neill, Plummer, Pool, Purcell, Roberts, Ruffin, Salmons, Scott, Spruill, N. A. Stedman, Stewart, Summers, Taylor, Thomas, Washington, Webb, Wheeler, Whitfield, Wilkinson—63 yeas.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Barnhardt, Battle, Blackwood, Boon, Boykin, W. A. Bozman, Brevard, Burke, Busbee, Bynum, Byrum, Cherry, Clement, Cooper, Davenport, Dozier, Ellis, E. Foy, Gary, Green, Harper, Hardy, Hastings, Jackson, R. H. Jones, H. C. Jones, Kerr, Kilpatrick, King, Lawson, Marshall, M'Dearmid, M'Lean, Patterson, Riddick, Seawell, Sharpe, Shine, Simmons, Simpson, Smith, Speller, W. W. Stedman, Stephens, Stockard, Styron, Tillett, Troy, Underwood, Ward, Wadsworth, R. Walker, H. Walker, White, Whitaker, Wilder, E. Williams, A. Williams—61 nays.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that Mr. M'Neill and Mr. Askew of Bertie attend this House as a committee on their part to superintend the balloting for Brigadier General of the 5th brigade. On motion, ordered that the Senate be informed by message that Mr. Bateman and Mr. Speller attend the Senate as a committee on the part of this House to conduct the balloting for Brigadier General of the 5th brigade; and that the name of Benjamin Sharpe is added to the nomination.

The House then adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 21, 1827.

A message from the Senate, agreeing to set apart Saturday evening next for the purpose of recommending field officers and justices of the peace.

Mr. Bateman, from the committee appointed to conduct the balloting for Brigadier General of the 5th brigade, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for the Brigadier General of the 5th brigade.



A message from the Senate, consenting to ballot immediately for the Brigadier General of the 5th brigade, and informing that Messrs. Speight of Greene and Hinton form the committee of Superintendence of the balloting. On motion, ordered that the Senate be informed by message that Mr. Bozman and Mr. Burns form the committee of superintendence of the balloting on the part of this House.

Mr. Bynum presented a bill empowering the commissioners of the town of Halifax to sell to Lemuel Long a certain strip of land of the commons of said town. Mr. Harper presented a bill to incorporate the Hookerton Library Company, in the county of Greene. These bills were read each for their first reading and passed.

Mr. Allen, from the select committee to whom was recommitted the bill for the more convenient administration of justice within a portion of the counties of Burke and Buncombe, reported that the committee had, according to order, the said bill under consideration, and instructed him to return the bill with an amendment, and to recommend its passage. On motion, ordered that the said bill be laid on the table and made the order of the day for to-morrow.

Mr. Bozman, from the committee appointed to superintend the balloting for Brigadier General of the 5th brigade, reported that the committee had performed that duty; and, on examining the ballots, it appeared that Louis D. Wilson had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to incorporate the N. Carolina Gold Mining Company; a bill to divorce Eliza Dowling from her husband Zacheus Dowling; a bill to secure to Priscilla Brasher such property as she may hereafter acquire; a bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands; a bill to compel the public register of Franklin county to keep his office in the town of Louisburg, in said county; and a bill to provide for the final settlement of executors and administrators; also a resolution requiring the Secretary of State to purchase stationery; and a resolution in favor of John W. Hamilton; and asking the concurrence of this House.

The engrossed bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands; also the bill to compel the public register of Franklin county to keep his office in the town of Louisburg, in said county; and a resolution in favor of John W. Hamilton, were severally read the first time, and the question shall the said bills and resolution pass? was determined in the affirmative.

Mr. Jones, of Rowan, presented a bill to authorise the Court of Pleas and Quarter Sessions of the county of Rowan to appoint a committee of Finance. Mr. Green presented a bill to amend the sale law in Rutherford county. Mr. Sharpe presented a bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "An act to revise the militia laws of this State, relative to the infantry," and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "an act to amend the militia laws of this State." The said bills were read the first time, and the question, shall the said bills pass? was determined in the affirmative.



On motion, ordered that the bill to incorporate the North Carolina Gold Mining Company, be referred to Messrs. Blount, Fisher, Gaston, Blackledge and Marshall.

The bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

The bill to provide for the final settlement of executors and administrators; also the bill prescribing the duty of the committee of Finance, were read, and, on motion, ordered to be laid on the table.

A message from the Senate, informing that they do not agree to the amendment made in the engrossed bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river. On motion, ordered that the Senate be informed by message, that this House do recede from their amendment to the said bill.

Mr. Bozman presented the following resolution:

*Resolved*, That the Public Treasurer pay to Joshua Lumsden, the sum of twenty-four dollars for carrying a writ of election to the county of Washington, and the further sum of three dollars for covering a table in the office of the Clerk of this House.

The said resolution was read the first time and passed.

The engrossed bill concerning the Public Treasury, was read the first time and passed.

The bill to subject bail to costs in certain cases, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The engrossed bill to allow the right of challenge to the State in certain cases, was read the third time, as amended, and the question, shall the said bill pass? was determined in the affirmative. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

On motion of Mr. W. A. Bozman,

*Resolved*, That the committee on Public Buildings be instructed to inquire what additional furniture may be necessary for the Government House, and the probable cost thereof.

On motion of Mr. Whitaker,

*Resolved*, That the Public Treasurer be, and he is hereby directed to pay to Henry Gorman, the sum of fourteen dollars and fifty cents, for work done to the State House by said H. Gorman.

The resolution was read and referred to the committee on Public Buildings.

Mr. Roberts presented the petition of sundry inhabitants of the county of Wilkes, praying to have two terms of their Courts altered; and Mr. Barnett presented the petition of Ann Fewell, of the county of Rockingham, praying to be authorised to erect a gate on a public road leading through her plantation. Ordered that the said petitions be referred to the committee on Propositions and Grievances.

The engrossed resolution requiring the Secretary of State to purchase stationary, was read the first time and passed.

Mr. Bateman, from the committee composed of the members of the first Judicial Circuit, to whom was referred the bill to alter the times of holding the Superior Courts in the first Judicial Circuit, reported that the committee had, according to order had the said bill under consideration, and instructed him to return the bill with a recommendation, that it be rejected. The question to concur with the report was determined in the affirmative.



The engrossed bill to secure to Priscilla Brasher, such property as she may hereafter acquire; and also the engrossed bill to divorce Eliza Dowling from her husband Zacheus Dowling, were read the first time and rejected.

The bill to divorce *Mary Bryant* from her husband *Eli Bryant*, was read the second time and rejected.

Mr. Hill presented the petition of *Henry B. Howard* and others, of the town of *Wilmington*, owners of steam machines, praying, for reasons stated in their petition, to be exempt from paying taxes thereon. Ordered that said petition be referred to Messrs. *Hill, Bynum* and *Spruill*.

Mr. N. A. Stedman presented the petition of sundry citizens of *Chatham county*, praying for the passage of a law to prevent the further introduction of slaves into this State, under any pretence whatever; and Mr. *Morehead* presented the petition of sundry citizens of the county of *Guilford*, on the same subject. These petitions were read and referred to Messrs. *N. A. Stedman, Smith, Simpson, Boykin, Jones of Rowan, Fisher, King, Barnett, Hampton, E. Foy, Conrad, Wadsworth* and *Stewart*.

Mr. *Jones*, of *Warren*, from the committee on the *Judiciary*, to whom was referred the bill extending the jurisdiction of justices of the peace in criminal cases, reported that the committee had, according to order, the said bill under consideration, and instructed him to return the bill to the House, and to recommend its rejection. The question to concur with the report was determined in the affirmative.

The resignations of *Nathan Wright*, Major of Cavalry attached to the eighth brigade, and 4th division; *I. W. Hereford*, Major of the second regiment of *Rockingham county militia*; and *R. M. G. Moore*, justice of the peace of the county of *Hyde*, were presented, read and accepted.

The bill to establish a *Medical Board*, and to regulate the practice of physic and surgery in this State, was read the third time and amended. Mr. *Stedman* moved that the further consideration of said bill be postponed indefinitely, and called for the yeas and nays. The question thereon was determined in the negative—yeas 45, nays 72.

Those who voted in the affirmative, are Messrs. *Baker, Ball, Barnhardt, Battle, Brittain, Burke, Burns, Busbee, Bynum, Byrum, Cherry, Clayton, Conrad, Cooper, Cox, Davenport, Dickinson, Dozier, F. Foy, Glisson, Gold, Green, Jackson, Leonard, Love, M'Lean, Newland, Neill, Patterson, Roberts, Sharpe, Shine, Simmons, Smith, W. W. Stedman, Stephens, Styron, Summers, Troy, Wadsworth, R. Walker, H. Walker, Webb, Whitaker, Wilder*—45 yeas.

Those who voted in the negative, are Messrs. *Alexander, Allen of Buncombe, Barnett, Barnard, Bateman, Benners, Blackledge, Blackwood, Blount, Boon, Borden, Boykin, Brevard, J. Bozman, Clement, Donoho, Douglass, Eccles, Ellis, Falls, Fisher, E. Foy, Gary, Gillespie, Glasgow, Gordon, Gaston, Hampton, Harper, Hardy, Hastings, Hill, Hodges, Hough, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, King, Lawson, Lewis, Lilly, Little, Marshall, Mitchell, Morehead, M'Dearmid, M'Milan, M'Nair, Nelson, Plummer, Pool, Purcell, Riddick, Rhodes, Ruffin, Salmons, Seawell, Simpson, Speller, Spruill, N. A. Stedman, Stockard, Taylor, Tillett, Washington, Wheeler, White, E. Williams, A. Williams, Wilkinson*—72 nays.

The said bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative—yeas 67, nays 49. The yeas and nays called for by Mr. *Stedman*.

Those who voted in the affirmative, are Messrs. *Alexander, Allen of Buncombe, Barnhardt, Barnett, Bateman, Benners, Blackledge, Blount, Boon, Borden, Boykin, W. A. Bozman, Clement, Donoho, Eccles, Ellis, Falls, Fisher, E. Foy, Gary, Gillespie, Glasgow, Glisson, Gordon, Gaston, Hampton, Harper, Hardy, Hastings, Hill, Hodges, Hough, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, King, Lawson, Lewis, Lilly,*



Little, Marshall, Moore, Morehead, M'Millan, Nelson, Plummer, Pool, Purcell, Rhodes, Ruffin, Salmons, Seawell, Simpson, Spruill, N. A. Stedman, Stockard, Styron, Taylor, Tillett, Ward, Washington, Wheeler, White, Whitfield, E. Williams—67 yeas.

Those who voted in the negative, are Messrs. Adams, Baker, Ball, Barnhardt, Battle, Blackwood, Brevard, Brittain, Burke, Burns, Busbee, Bynum, Byrum, Cherry, Clayton, Conrad, Cooper, Cox, Davenport, Dickinson, Dozier, F. Foy Gold, Green, Jackson, Love, Mitchell, M'Lean, Newland, Neill, Patterson, Riddick, Roberts, Sharpe, Shine, Simmons, Smith, Speller, W. W. Stedman, Stephens, Summers, Troy, Wadsworth, R. Walker, H. Walker, Webb, Whitaker, Wilder, Wilkinson—49 nays.

Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The House then adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 22, 1827.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, entitled "an act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde;" a bill to amend an act, passed in the year 1824, entitled "an act giving the assent of North Carolina to, and enforcing in this State, certain acts of the General Assembly of the State of Tennessee, relating to the Smoky Mountain Turnpike Road;" and a bill concerning the town of Carthage, in the county of Moore, and asking the concurrence of this House.

The engrossed bill concerning the town of Carthage, in the county of Moore; also the bill to amend an act, passed in the year 1824, entitled "an act giving the assent of North-Carolina to, and enforcing in this State certain acts of the General Assembly of the State of Tennessee, relating to the Smoky Mountain Turpike Road;" and also the bill to repeal an act, entitled "an act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde," were severally read the first time, and the question, shall the said bills pass? was determined in the affirmative.

Received from the Senate, a resolution for the purpose of appointing, by joint ballot of both Houses, three persons to represent the interest which the State has in the stock of the Bank of Cape Fear, at the meeting of the stockholders of said bank to be held on the first Monday of January, 1828. The said resolution was read, concurred in, and returned to the Senate.

The bill prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands, was read the third time; also the bill appointing commissioners to run and establish the boundary lines of Bladen and Columbus counties, was read the second and third times, and the question, shall the said bills pass their several readings? was determined in the affirmative. Ordered that the former be enrolled and the latter engrossed.

Mr. Taylor presented a bill to incorporate the first Presbyterian Church in the town of Oxford; Mr. Sharpe presented a bill making it the duty of Major Generals to review the first regiment of Edgecomb militia at their usual regimental muster ground. These bills were read the first time and passed.

The bill to incorporate the Cotton Plant Steam Boat Company, was read the second and third times, and the question, shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be engrossed.



Mr. Gold presented the petition of John Logan and wife, praying, for reasons stated in their petition, to be allowed a sum of money to support them in their old age. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Ellis,

*Resolved*, That this House hold evening sessions from and after this day, for the purpose of disposing of private business.

Mr. N. A. Stedman presented the petition of Benjamin Rhodes, of the county of Chatham, praying that a fine paid by him for not listing his store, be remitted. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Cox presented the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the law as to extend the jurisdiction of a justice of the peace, in all cases of debt, to one hundred dollars, and that they report by bill or otherwise.

The said resolution was read and rejected.

The resignations of Benjamin Sharpe, colonel commandant of the first regiment of Edgecomb county militia, and Jesse Brevard, justice of the peace for Currituck county, were presented, read and accepted.

The House proceeded to the order of the day, and took up the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county. The said bill was read the third time, and the question, shall the said bill pass its third reading, was determined in the affirmative—yeas 62, nays 62—the Speaker voting in the affirmative. Yeas and nays called for by Mr. Jones of Warren.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Barnett, Benners, Blackwood, Boon, Borden, Brevard, Brittain, Burns, Clayton, Clement, Conrad, Donoho, Douglass, Eccles, Falls, Glasgow, Gold, Gordon, Green, Gaston, Hampton, Hill, Hodges, Hough, W. W. Jones, H. C. Jones, Lewis, Lilly, Little, Love, Marshall, Mitchell, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Newland, Neill, Plummer, Purcell, Rhodes, Roberts, Salmons, Seawell, Simpson, Smith, N. A. Stedman, Stockard, Summers, Taylor, Thomas, Troy, Wadsworth, H. Walker, White, A. Williams—62 yeas.

Those who voted in the negative, are Messrs. Ball, Barnard, Battle, Bateman, Blackledge, Blount, Boykin, W. A. Bozman, Burke, Busbee, Bynum, Byrum, J. Bozman, Cherry, Cooper, Cox, Davenport, Dickinson, Dozier, Ellis, E. Foy, F. Foy, Gary, Gillespie, Glisson, Harper, Hardy, Hastings, Jackson, Jasper, R. H. Jones, Kilpatrick, King, Lawson, Leonard, Mann, Nelson, Patterson, Pool, Riddick, Ruffin, Sharpe, Shine, Simmons, Speller, Spruill, W. W. Stedman, Stephens, Stewart, Styron, Tillett, Underwood, Ward, R. Walker, Washington, Webb, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, Wilkinson—62 nays.

Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The House then adjourned until 3 o'clock, P. M.

Mr. Newland, from the committee to whom was referred the bill to divorce Robert Bigham from his wife Mary, reported that the committee had, according to order, had the said bill under consideration, and instructed him to return it to the House with a recommendation that it be passed into a law. The question to concur with the report was determined in the negative, and the bill reported read and rejected—yeas 33, nays 71. The yeas and nays called for by Mr. Gaston

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Baker, Bateman, Blackwood, Boon, Borden, Brittain, Burns, Clayton, Clement, Donoho, Dozier, Gordon, Hampton, Hardy, Jasper, Lilly, Love, Marshall, Mitchell, Newland, Neill, Plummer, Roberts, Salmons, Simpson, Smith, N. A. Stedman, Styron, Summers, Tillett, Underwood—33 yeas.



Those who voted in the negative, are Messrs. Allen of Montgomery, Ball, Barnard, Barnhardt, Barnett, Benners, Blackledge, Blount, Boykin, Brevard, Burke, Busbee, Byrum, Cherry, Conrad, Cooper, Cox, Daveyport, Dickinson, Eccles, E. Foy, F. Foy, Gary, Glasgow, Glisson, Gold, Green, Gaston, Harper, Hastings, Hill, Hodges, Hough, Jackson, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Lawson, Leonard, Little, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Nelson, Patterson, Pool, Purcell, Ruffin, Seawell, Sharpe, Shine, Spruill, W. W. Stedman, Stephens, Stockard, Taylor, Thomas, Troy, H. Walker, Washington, Webb, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, A. Williams, Wilkinson—71 nays.

The House then adjourned until Monday morning next, 10 o'clock.

#### MONDAY MORNING, DECEMBER 24, 1827.

Mr. Hough, from the select committee to whom was referred the petition of sundry citizens of Surry county, reported that the committee had, according to order, the said petition under consideration, and instructed him to report a bill in pursuance of the prayer of the petition, and to recommend its passage. The report was concurred in, and the bill read the first time and passed.

Mr. Byrum presented a bill prescribing the manner in which staves, heading, and shingles shall hereafter be inspected. Mr. Wheeler presented a bill to incorporate the Zion Relief Society of North Carolina. Mr. Boon presented a bill giving the Superior Courts of Law exclusive jurisdiction in all cases of divorce. Mr. Leonard presented a bill to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick. Mr. Taylor presented a bill directing what construction shall be given to contingent executory limitations. These bills were respectively read the first time and passed, and the latter referred to the committee on the Judiciary.

Mr. Hill, from the select committee to whom was referred the petition of Henry B. Howard and others, owners of certain steam power mills, reported that the committee had had the said petition under consideration, and instructed him to recommend that it be rejected. The report was read and concurred in.

#### On motion of Mr. Summers,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law as to prevent debtors from conveying their property by mortgage or deed of trust to one or more of their creditors, in preference and to the exclusion of their other creditors, and the monies arising from said sales be equally divided between the creditors in proportion to their several demands.

Mr. Gaston presented a bill to provide for the gradual diminution of the capital stock of the Banks of this State, by the purchase and extinguishment of shares; which was read the first time and passed.

A message from the Senate, informing of the assent of that House to the several amendments made in the engrossed bill to increase the penalty of the official bonds of the Clerks of the several courts of record in this State, and to provide for the deposite and safe keeping of said bonds; and informing further of the dissent of that House to the amendment made in the engrossed bill to allow the right of challenge to the State in certain cases.

On motion, ordered that the Senate be informed by message that this House insist on their amendment made in the engrossed bill to allow the right of challenge in certain cases.

On motion, ordered that the bill to increase the penalty of the official bonds of the Clerks of the several courts of record in this State, and to provide for the deposite and safe keeping said bonds, be enrolled.



On motion of Mr. Newland,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of revising the fees of Clerks, Sheriffs and all other officers in the State, and report by bill or otherwise.

Mr. Boykin presented a bill to incorporate the trustees of Holly Grove Academy, in Sampson county; and Mr. Jones, of Warren, presented a bill to repeal the 4th section of an act to provide a revenue for the payment of the civil list and contingent charges of government, passed in 1822. These bills were respectively read and passed, and the latter referred to the committee on the Judiciary.

The resolution received from the Senate, predicated on the report of the select joint committee appointed to investigate the Treasury department, recommending the rejection of the conveyances tendered by the representatives and devisees of the late Treasurer, was read and concurred in, and returned to the Senate.

Mr. Alexander presented the following resolution:

It having been represented to the General Assembly of North-Carolina that the Secretary of War of the United States, upon their request, will cause to be made the survey of a route for a rail road passing from Newbern, through Raleigh and the central parts of the western counties of this State:

*Resolved therefore by the Senate and House of Commons of the State of North-Carolina*, That the Governor be requested to make known to the Secretary of War their desire that such survey may be made as early as may be consistent with the convenience of the department over which he presides.

Read and ordered to be laid on the table.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the laws now in force concerning the maintenance of bastard children, as to make the executors and administrators who die before being charged by the mother with being the father of the bastard child, &c. reported that the committee had considered the resolution, and instructed him to recommend its rejection. The question to concur with the report was determined in the affirmative.

Mr. Jones, from the same committee, to whom was referred the bill making it the duty of sheriffs, coroners and constables to serve all notices required to be given in proceedings at law or in equity, reported that the committee had considered the said bill, and instructed him to report it to the House with a recommendation that it be passed into a law. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition from the county of Wilkes, praying for an alteration in the sittings of their County Courts, reported that the committee had considered the petition, and instructed him to recommend its rejection. The question to concur with the report was determined in the affirmative.

Mr. Borden presented a bill to allow the Sheriff of Carteret county, travelling fees when he may be compelled to travel to Occacock or Portsmouth to execute process of any sort. The said bill was read the first time and passed.

Mr. Seawell presented the following resolution:

Whereas, to-morrow being the anniversary of the birth of our Saviour, should be spent in sacred devotion: therefore

*Resolved*, That when this House adjourns, it adjourn until Wednesday morning 10 o'clock.

The question thereon was determined in the negative.



Mr. Spruill, from the Judiciary committee, to whom was referred sundry resolutions relative to revising, digesting and amending the laws relating to executors and administrators, &c. made a report; which was read, when Mr. Spruill reported a bill for revising, digesting and amending the law relating to executors and administrators; which was read the first time and passed.

Mr. Jones, from the committee on the Judiciary, to whom was referred a bill to give jurisdiction to the Superior Courts in certain cases, reported the bill without amendment, and recommended its rejection. The said bill was read and rejected.

Mr. Bynum, from the committee of Claims, to whom was referred the petition of John B. Ogg, reported that the statutes of limitation barred the payment of the claim, and recommended its rejection. The question to concur with the report was determined in the affirmative.

Mr. Jones, from the Judiciary committee, to whom was referred the petition of Mary Thompson, praying that a certain negro man slave, Isaac, her property, be emancipated, reported that it is impolitic to grant the prayer thereof. The question to concur with the report was determined in the affirmative.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of providing more effectually for the payment of jailors' fees, reported that the committee had considered the said resolution, and instructed him to recommend that it be rejected. The report was read and concurred in.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire whether, and what further provision ought to be made by law to secure to the trustees of the University all such sums of money or other estate, which may be recovered by them in virtue of the laws vesting escheated property in them, made a report recommending its rejection. The question to concur with the report was determined in the affirmative.

The bill to appropriate \$6,232, for the purpose of improving the Cape-Fear river below the town of Wilmington, and for other purposes, was read the second time. Mr. M'Nair moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 57, nays 67. The yeas and nays called for by Mr. Boon.

Those who voted in the affirmative, are Messrs. Adams, Ball, Battle, Bateman, Blackledge, Boon, W. A. Bozman, Burke, Busbee, Bynum, Byrum, J. Bozman, Cherry, Conrad, Cooper, Cox, Davenport, Dozier, Ellis, F. Foy, Gold, Harper, Hastings, Jackson, Kilpatrick, King, Lilly, Little, Marshall, Montgomery, M'Nair, Nelson, Patterson, Perry, Riddick, Ruffin, Seawell, Sharpe, Shine, Simmons, Speller, W. W. Stedman, Stephens, Stewart, Stockard, Summers, Thomas, Tillett, Underwood, Ward, Wadsworth, R. Walker, H. Walker, Whitfield, Whitaker, Wilder, Wilkinson—57 yeas.

Those who voted in the negative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnard, Barnhardt, Barnett, Benners, Blount, Borden, Boykin, Brevard, Brittain, Burns, Clayton, Clement, Donoho, Eccles, Fisher, E. Foy, Gary, Gillespie, Gilmore, Glasgow, Glisson, Gordon, Gaston, Hampton, Hill, Hodges, Hourch, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Lawson, Leonard, Lewis, Love, Mann, Mitchell, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, Neill, Plummer, Pool, Purcell, Rhodes, Roberts, Salmons, Scott, Simpson, Smith, Spruill, N. A. Stedman, Taylor, Troy, Washington, Webb, Wheeler, White, E. Williams, A. Williams—67 nays.



The bill thereon was put upon its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative.

The House then adjourned until 4 o'clock, P. M.

The bill to incorporate Mount Moriah Lodge, in Edgecomb county; also the bill to secure to Sarah Tilly, of Wilkes county, such property as she may hereafter acquire, were read respectively the second and third times, passed, and the former ordered to be engrossed and the latter enrolled.

The bill to authorise Absalom Myers, Sheriff of the county of Anson, to collect the arrears of taxes for the years therein mentioned, was read the second time and rejected.

On motion of Mr. Blackledge,

Whereas, it is the duty of all christians to attend divine worship on all occasions set apart for the celebration of the same, but more especially on the anniversary of the birth of the Saviour of mankind: therefore

*Resolved*, That when the House adjourn, it adjourn until Wednesday morning, 10 o'clock.

The bill for the better regulation of the town of Kenansville, in the county of Duplin, was read the second and third times and amended and passed. Ordered that the said bill be engrossed.

The bill to secure to Mary E. Rowland, of Robeson county, such property as she may hereafter acquire, was read the second and third times, and the question, shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to secure to Susannah Suddath, such property as she may hereafter acquire, was read the second time and passed—yeas 56, nays 54. The yeas and nays called for by Mr. W. W. Stedman.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnett, Bateman, Blackwood, Boon, Borden, W. A. Bozman, Brittain, Burns, Clayton, Clement, Cox, Donoho, Ellis, Falls, Fisher, E. Foy, Glasgow, Glisson, Gordon, Hampton, Hardy, Hough, W. W. Jones, King, Love, Lewis, Lilly, Marshall, Mitchell, Morehead, Newland, Neill, Patterson, Plummer, Pool, Rhodes, Roberts, Salmons, Sharpe, Simpson, N. A. Stedman, Summers, Taylor, Thomas, Tillett, Troy, Underwood, H. Walker, White, Whitaker, A. Williams, Wilkinson—56 yeas.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Barnhardt, Battle, Benners, Blackledge, Blount, Brevard, Burke, Busbee, Byrum, Cherry, Conrad, Cooper, Davenport, Dickinson, Eccles, F. Foy, Gary, Gillespie, Gold, Gaston, Harper, Hill, Hodges, Jackson, Jasper, R. H. Jones, H. C. Jones, Kerr, Moore, M'Dearmid, M'Lean, M'Millan, M'Nair, Nelson, Purcell, Riddick, Ruffin, Simmons, Spruill, W. W. Stedman, Stephens, Stewart, Stockard, Styron, Ward, Washington, Webb, Wheeler, Whitfield, Wilder—54 nays.

The said bill was read the third time, and the question, shall the said bill pass? was determined in the affirmative—yeas 60, nays 52. The yeas and nays called for by Mr. Jones, of Warren.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnett, Bateman, Blackwood, Boon, Borden, Boykin, W. A. Bozman, Brittain, Burns, Byrum, Clayton, Clement, Cox, Donoho, Ellis, Falls, Fisher, Foy, Glasgow, Glisson, Gold, Gordon, Hampton, Hardy, Hough, W. W. Jones, King, Lewis, Lilly, Little, Love, Marshall, Mitchell, Morehead, Newland, Neill, Patterson, Plummer, Pool, Purcell, Rhodes, Roberts, Salmons, Sharpe, Simpson, N. A. Stedman, Summers, Taylor, Thomas, Tillett, Troy, Underwood, H. Walker, White, Whitaker, A. Williams, Wilkinson—60 yeas.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Barnhardt, Battle, Benners, Blackledge, Blount, Brevard, Burke, Busbee, Byrum, Conrad, Cooper, Davenport, Dickinson, Eccles, F. Foy, Gary, Gillespie, Gaston, Harper, Hastings, Hill, Hodges, Jackson, Jasper, R. H. Jones, H. C. Jones, Kerr, Lawson,



Moore, M'Dearmid, M'Lean, M'Millan, M'Nair, Nelson, Riddick, Ruffin, Simmons, Speller, Spruill, W. W. Stedman, Stephens, Stewart, Stockard, Styron, Ward, Webb, Wheeler, Whitfield, Wilder—52 nays.

Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The House then adjourned until Wednesday morning, 10 o'clock.

### WEDNESDAY, DECEMBER 26, 1827.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a bill supplemental to the several acts now in force for the relief of insolvent debtors, reported that the committee had, according to order, considered the said bill, and instructed him to recommend that it be passed into a law. The said bill was read the second time and passed.

Mr. Jones, from the same committee, to whom was referred a resolution instructing them to inquire into the manner in which the several Governors of this State have heretofore exercised the power of pardoning and relieving, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to recommend to the House that it be rejected. The question to concur with the report was determined in the affirmative.

The bill for the protection of securities, and for other purposes, was read the second time, and, on motion of Mr. Morehead, amended. The question, shall the said bill pass its second reading, as amended? was determined in the affirmative.

Mr. Morehead, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the propriety of establishing a law to prevent the stopping or obstructing the usual ways to public mills; and also the resolution requiring Clerks to advertise the rate of county tax, reported that the committee had, according to order, had the said resolutions under consideration, and instructed him to recommend to the House that they be rejected. The report was read and concurred in.

On motion of Mr. Whitaker,

*Resolved*, That the Treasurer pay to Matthew J. Coman thirty-four dollars, for carrying a writ of election to the Sheriff of Chowan county.

The said resolution was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Ann Fewell, reported a bill in pursuance to the prayer of the petition, authorising Ann Fewell of the county of Rockingham, to erect a gate across the public road leading through her plantation on Dan river. The said bill was read the first time and passed.

Received from the Senate, a resolution for the purpose of raising a joint select committee of two members from each House, to confer with the representatives, devisees and widow of the late Treasurer of this State, and to make such arrangements with them as may be thought compatible with the public interest. The resolution was read, concurred in, and a committee appointed, consisting of Mr. Alexander and Mr. Gaston, to join the committee appointed by the Senate.

The bill to legitimate Duncan Melvin and others, of the county of Bladen, was read the second time, amended and passed.

Mr. Morehead, from the Judiciary committee, to whom was referred the resolution, instructing them to inquire into the expediency of so amending the law, as to prevent debtors from conveying their property by



mortgage or deed of trust, to one or more of their creditors, &c. and also the resolution instructing them to inquire into the expediency of settling by law, the priority of lien between executions issued by justices of the peace, so as to fix the lien in favor of younger executions which have been actually levied, reported that the committee had, according to order, considered the said resolutions, and instructed him to return them to the House, with a recommendation that they be rejected. The report was read and concurred in.

Mr. Stewart, from the select committee, to whom was referred the resolution instructing them to inquire if any, and if any, what amendments are expedient or necessary in the act passed in the year 1826, to prohibit the trading with slaves, except in the manner therein prescribed, reported that the committee had, according to order, had the said resolution under consideration, and instructed him, as in their opinion no amendment of the law is necessary, to recommend its rejection. The said report was read and concurred in.

Mr. Morehead, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of passing a law to prevent the educating of slaves, reported that the committee, according to order, had considered the resolution, and instructed him to recommend that it be rejected. The report was read and concurred in.

The bill to incorporate the Occacock Navigation Company, was read the second time, amended and passed. On motion, the said bill was read the third time, passed, and ordered to be engrossed and sent to the Senate.

The bill concerning the Public Treasurer, was read the second time, amended and passed.

Mr. Montgomery presented a bill concerning the tax to be paid by persons peddling on certain waters. Mr. Blackledge presented a bill concerning the registration of grants. These bills were read the first time and passed.

The bill to amend an act, passed in the year 1826, entitled "an act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, and for other purposes," was read the second time and passed.

The engrossed bill to provide for the final settlement of executors and administrators, was read the first time and rejected.

The House then adjourned until 4 o'clock, P. M.

On motion, ordered that Mr. Patterson have leave of absence from the service of this House, after this day, until the end of the session.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to render valid certain acts of the acting coroner of Stokes county; a bill for the limitation of writs of error for matters of fact and bills of review; a bill for the relief of clerks of courts and clerks and masters in equity; a bill to exempt certain persons in Hyde county from serving on juries; a bill to authorise the treasurer of public buildings for the county of Craven to convey certain property to the trustees of the Newbern Academy, and to hold in trust for said county certain property; a bill to continue in force an act, passed at the last session of the General Assembly, entitled "an act to revive



and continue in force an act, passed in the year 1824, to alter and amend an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State; a bill concerning the dockets of the Court of Equity for the county of Columbus; a bill to authorise the wardens of the poor of the county of Mecklenburg to purchase a tract of land, and erect such buildings as will be suitable for the comfortable accommodation of the poor of said county; a bill to appoint additional commissioners for the town of Stantonburg, in the county of Edgecomb; a bill to authorise Robert Gallaway, jr. to erect a gate across the public road leading from Rockingham court house to the Eagle Falls on Dan river; a bill to repeal the 4th section of an act, passed in the year 1784, entitled "an act to prevent the several species of hunting therein mentioned; also a resolution in favor of Jesse Rogers, of Moore county; also a resolution appointing W. R. Hill Librarian; and also a resolution in favor of William Thompson; and asking the concurrence of this House.

A message from the Senate, informing that they recede from their disagreement with the amendment made by this House in the engrossed bill to allow the right of challenge to the State in certain cases. Ordered that the said bill be enrolled.

The bill to authorise the wardens of the poor for the county of Mecklenburg to purchase a tract of land, and erect such buildings as will be suitable for the comfortable accommodation of the poor of said county; also the bill concerning the dockets of the Court of Equity for the county of Columbus; also the bill to appoint additional commissioners for the town of Stantonburg, in the county of Edgecomb; also the bill to authorise Robert Gallaway, jr. to erect a gate across the public road leading from Rockingham court house to the Eagle Falls on Dan river; also the bill for the relief of clerks of courts and clerks and masters in equity; also the bill to continue in force an act, passed at the last session of the General Assembly, entitled "an act to revive and continue in force an act, passed in the year 1824, to alter and amend an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State; also a bill to exempt certain persons in Hyde county from serving on juries; also a bill to render valid certain acts of the acting coroner of Stokes county; also the bill to authorise the treasurer of public buildings of the county of Craven to convey certain property to the trustees of the Newbern Academy, and to receive from said trustees, and hold in trust for said county, certain property, were respectively read the first time and passed.

The resolution in favor of Jesse Rogers, of Moore county, was read the first time and passed.

The bill to repeal the 2d, 3d and 4th sections of an act, passed in the year 1819, entitled "an act prescribing the manner of assessing lands in this State for taxation," so far as relates to the county of Anson, was read the second time and passed.

The resolution in favor of William Thompson, was read the first time and passed.

The bill for the limitation of writs of error for matters of fact and bills of review, was read the first time and passed, and, on motion, referred to the Judiciary committee.



The bill requiring the public register of Orange county to keep his office at the court house of said county; also the bill to compel the register and clerk of the County Court of Hyde to keep their respective offices at the court house in said county, were respectively read the second and third times, passed, and ordered to be engrossed.

The bill to establish a work house in the county of Beaufort, and for other purposes, was read and amended, and ordered to be laid on the table.

The bill to authorise and direct the sheriff of Rowan county to collect the taxes imposed by the commissioners of the town of Salisbury; and the resolution in favor of Joshua E. Lumsden, were read the second and third times and passed.

A message from the Senate, informing that they had passed the engrossed bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

The bill to appoint a committee of Finance for the county of Surry; also the bill to amend the sale law in the county of Rutherford; and also the bill to incorporate the Jerusalem Lodge, in Greene county, were respectively read the second and third times, passed and ordered the former to be enrolled, the two latter engrossed.

The bill concerning the Sheriff of Brunswick county, was read the second and third times, passed and ordered to be enrolled.

The bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Martin; also the bill to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick, were read the second and third times, passed and ordered the former to be enrolled, the latter engrossed and sent to the Senate.

The resolution appointing William R. Hill Librarian to the State Library, with a salary of seventy five dollars per annum, was read the first, second and third times, amended and passed. Ordered that the said resolution be sent to the Senate, asking the concurrence of that House to the amendment.

The resignations of Nathan B. Whitfield, Major of the 25th regiment of the Lenoir militia; Richard Stoker, of Richmond county. Thorogood Pate, of Richmond county, and Thomas Nicholson, of Halifax county, justices of the peace, were presented, read and accepted.

The bill to repeal the 4th section of an act, passed in the year 1784, entitled "An act to prevent the several species of hunting therein mentioned," was read the first time and rejected.

A message from the Senate, proposing to ballot immediately for Cavalry officers of the 16th brigade and third division, and informing that Elijah Hester, for Colonel, Samuel Mitchell, Lieutenant Colonel, and James W. Jones, as Major, are nominated for the appointments, and proposing further to ballot immediately thereafter for Brigadier General of the 4th brigade and 7th division, and informing that the names of Thomas A. Allison, William H. Kerr, Francis Young, Abner F. Caldwell, William F. Kelly and John M. Smith are in nomination for the appointment.

The House then adjourned until to-morrow morning, 10 o'clock.



THURSDAY, DECEMBER 27, 1827.

On motion of Mr. Newland, ordered that Mr. Ogg have leave to withdraw from the files, the papers and documents accompanying his petition.

Mr. Hastings presented a bill to amend an act to provide for the paying of jurors in the county of Wayne, passed in the year 1823. Mr. McNair presented a bill authorising the trustees of the Richmond Academy to raise the sum of ten thousand dollars by way of lottery. Mr. Leonard presented a bill granting to the Superior Court of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary. Mr. Gary presented a bill to regulate the sale of land and slaves, so far as respects the county of Northampton. These bills were respectively read the first time and passed.

Mr. Conrad presented the petition of sundry citizens of Lincoln county, praying that William Cline, of said county, be released from the payment of a forfeited recognizance. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Ellis presented a bill to compel the Clerks of the several Courts and Registers to keep their offices at the Court House of their several counties, or within one mile thereof. The said bill was read the first time, passed, and ordered to be referred to the Judiciary committee.

Mr. Boykin, from the Military committee, to whom was referred a resolution authorising the Public Treasurer to pay certain officers for attending a Court Martial, reported that the committee had performed the duty assigned to them, and had instructed him to recommend to the House that the said resolution be rejected. The question to concur with the report, passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot at 4 o'clock this evening for Brigadier General of the 4th brigade and 7th division.

Mr. Lewis, from the committee on Public Buildings, to whom was referred a resolution instructing them to inquire what additional furniture may be necessary for the Government House, and the probable cost thereof, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report to the House a resolution, appropriating three hundred dollars for the object, and to recommend its passage. The report was concurred in, and the resolution reported read the first time and passed.

A message from the Senate, informing of the dissent of that House to the proposition to ballot this evening for Brigadier General of the 7th brigade; and proposing to ballot for that officer immediately. The message was disagreed to, and a proposition sent to the Senate to ballot for the Brigadier General at the meeting of the two houses to-morrow morning.

The bill respecting certain reservations claimed by Indians in the lands lately acquired by treaty from the Cherokee Nation; also the bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "An act to revise the militia laws of this State relative to the infantry;" and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "An act to amend the militia laws of this State," were read the second time and passed.

A message from the Senate, proposing to ballot to-morrow morning at the meeting of the two Houses for three suitable persons to represent the



interest of the State in the Cape Fear Bank at the approaching general meeting of its Stockholders. The message was concurred in, and the Senate informed thereof by message.

Mr. Brittain presented a bill to establish the county of Macon. The bill was read, when Mr. Bynum moved that it be indefinitely postponed, and called for the yeas and nays. The question thereon was determined in the negative—yeas 61, nays 64

Those who voted in the affirmative, are Messrs. Adams, Ball, Barnard, Battle, Bateman, Benners, Blackledge, Blount, Boykin, W. A. Bozman, Burke, Bynum, Byrum, Cherry, J. Bozman, Cooper, Cox, Davenport, Dickinson, Dozier, Ellis, E. Foy, F. Foy, Gillespie, Gaston, Harper, Hardy, Hastings, Jackson, Jasper, R. H. Jones, Kerr, King, Leonard, Mann, Montgomery, Nelson, Pool, Riddick, Rhodes, Rusfin, Sharpe, Simmons, Speller, Spruill, W. W. Stedman, Stephens, Stewart, Styron, Tillet, Underwood, Ward, R. Walker, Washington, Webb, Wheeler, White, Whitfield, Whitaker, Wilder, Wilkinson—61 yeas

Those who voted in the negative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Barnett, Blackwood, Boon, Borden, Brevard, Brittain, Burnas, Busbee, Clayton, Clement, Conrad, Donoho, Douglass, Eceles, Falls, Fisher, Gilmore, Glasgow, Glisson, Gold, Gordon, Green, Hampton, Hill, Hodges, Hough, W. W. Jones, H. C. Jones, Lawson, Lewis, Little, Lilly, Love, Marshall, Mitchell, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Newland, Neill, Plummer, Purcell, Roberts, Salmons, Scott, Seawell, Simpson, Smith, N. A. Stedman, Summers, Taylor, Thomas, Troy, Wadsworth, H. Walker, A. Williams—64 nays.

On motion, ordered that the said bill be laid on the table, until Saturday next.

Mr. Seawell, from the committee on Agriculture, to whom was referred the bill to repeal all acts concerning Agriculture and Family Domestic Manufactures, made a report, which was read, and, on motion, recommended to the same committee.

The bill requiring ministers of the Gospel and justices of the peace to return marriage licenses to the Clerks of the County Courts, and for other purposes, was read the second time, amended and passed.

The resolution relative to the interchange of laws with other States, was read the second time and passed.

On motion of Mr. Plummer,

*Resolved*, That the Public Treasurer pay to Giles Johnston twenty-four dollars, for carrying a writ of election to the town of Newbern.

The said resolution was read the first time and passed.

The bill concerning the public Treasurer, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, asking for the concurrence of that House in the several amendments.

The House then adjourned until 4 o'clock, P. M.

The resolution in favor of John Mulliwee, of Mecklenburg county, was read the second time, and, on motion, laid on the table.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Leonard Hicks, of Burke county, praying to be placed on the pension list, reported that the committee had considered the said petition, and instructed him to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

The resolution directing the Public Treasurer to pay to Matthew J. Coman thirty-four dollars for carrying a writ of election to the sheriff of



Chowan county, was read the second and third times, passed and ordered to be engrossed.

The bill to incorporate the town of Lexington, in the county of Davidson; also the bill to alter the dividing line between the first and second regiments of the militia of Guilford county, were read the second and third times, the latter amended, passed and ordered to be engrossed.

The bill to incorporate Franklin Lodge, No. 94, in the county of Hyde; also the bill to establish Wake Forest Pleasant Grove Academy, in the county of Wake; also the bill to authorise Henry Gibbs, sheriff of Hyde county, to collect arrears of taxes, were respectively read the second and third times, passed and ordered to be engrossed.

The bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Caswell, was read the second time, amended and passed. On motion, ordered that the said bill be laid on the table.

Mr. Glasgow presented the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the present laws on the subject of roads, as to impose on overseers a fine for the exercise of partiality in summoning the hands under their superintendence.

The question to concur with the resolution was determined in the negative.

The resolution for the relief of David Rogers, of Buncombe county, was read and ordered to be laid on the table.

The bill authorising Edward Griffin, sheriff of the county of Martin, to collect arrearages of taxes, was read the second time, and, on motion, postponed indefinitely.

The bill to repeal the second, third and fourth sections of an act, passed in the year 1819, entitled "an act prescribing the manner of assessing lands in this State for taxation," so far as relates to the county of Anson; also the bill to incorporate the Hookerton Library Company in the county of Greene; also the bill to compel the public register of Franklin county to keep his office in the town of Louisburg, in said county, were respectively read the second and third times, passed, the two former ordered to be engrossed, and the latter enrolled.

The resolution in favor of the heirs of John J. Bonner; also the resolution in favor of John W. Hamilton, were read the second time and passed.

The bill concerning the town of Carthage, in the county of Moore, was read the second and third times, passed and ordered to be enrolled.

The bill to repeal an act, entitled "an act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde, was read the second time, amended and passed.

The bill to incorporate the first Presbyterian Church in the town of Oxford; also the bill empowering the commissioners of the town of Halifax to sell to Lemuel Long a certain strip of land of the commons of said town, were read the second and third times, passed and ordered to be engrossed.

Mr. Neill presented a bill to compel the Superior and County Courts to hear excuses in certain cases. The said bill was read and postponed indefinitely—yeas 48, nays 34. The yeas and nays called for by Mr. Neill.

Those who voted in the affirmative, are Messrs. Allen of Montgomery, Ball, Barnard, Barnhardt, Benners, Blackwood, Burke, Burns, Bynum, Byrum, Cherry, Cooper, Doug-



lass, Dozier, Ellis, Falls, E. Foy, F. Foy, Gary, Gillespie, Gordon, Green, Harper, Hardy, Hill, Hodges, Jackson, Jasper, W. W. Jones, R. H. Jones, Kerr, King, Lilly, Morehead, M'Dearmid, M'Millan, Rhodes, Ruffin, Seawell, Simmons, Spruill, Thomas, Tillet, Underwood, Webb, White, Wilder, Wilkinson—48 yeas.

Those who voted in the negative, are Messrs. Allen of Buncombe, Barnett, Blackledge, Boykin, Brevard, Brittain, Busbee, Clayton, Clement, Cox, Donoho, Glasgow, Glisson, Gold, Hampton, Hough, Love, Mann, Marshall, Mitchell, Nelson, Newland, Neill, Plummer, Pool, Roberts, Salmons, Simpson, Smith, Stephens, Summers, H. Walker, Whitaker, A. Williams—31 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 28, 1827.

Mr. W. A. Bozman presented a bill concerning the elections of members of the General Assembly and members of Congress in the county of Washington. Mr. J. Bozman presented a bill concerning the town of Edenton; Mr. M'Dearmid presented a bill limiting attorneys' fees in certain cases. Mr. Allen, of Buncombe, in pursuance of a petition, presented a bill to establish the district of Forsythe, for the purpose of holding Courts of Pleas and Quarter Sessions within the same. These bills were read the first time and passed.

The resolution directing the Public Treasurer to pay to Henry Gorman fourteen dollars and fifty cents, was read the second time and passed.

On motion of Mr. Gary,

*Resolved*, That a select committee be appointed to inquire into the expediency of adopting some provision for the establishment of a uniform standard of measure throughout the State; and that they report by bill or otherwise.

*Resolved*, That Messrs. Gary, Jones of Warren and Gaston form the committee.

Mr. N. A. Stedman, from the select committee to whom was referred the petitions of sundry inhabitants of the counties of Guilford and Chatham, reported that the committee had, according to order, had the said petitions under consideration, and instructed him to report a bill in pursuance to the prayer thereof, entitled "a bill to prevent the importation of slaves into this State," and to recommend its passage. The said bill was read the first time and passed.

Mr. Fisher presented a bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly. The said bill was read the first time, passed, and, on motion of Mr. Fisher, referred to the Military Committee.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of James Moore, reported unfavorably to the prayer of the petition, and asked to be discharged from the further consideration thereof. The report was read and concurred in.

A message from the Senate, informing that Mr. Montgomery and Mr. Scott attend this House as a committee on their part to superintend the balloting for Brigadier General of the 7th brigade. On motion, ordered that the Senate be informed by message that Mr. Burns and Mr. Sharpe attend the Senate as a committee on the part of this House to superintend the balloting for Brigadier General of the 7th brigade.

Mr. Bynum, from the committee of Claims, to whom was referred the petition of Titus Jennings Turner, praying to be placed on the pension list, reported unfavorably to the prayer thereof, recommending its rejection. The report was read and concurred in.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the bill directing what construction shall be given to contingent



executory limitations reported the bill referred to them, with a recommendation that it be passed into a law. The said bill was read the second time and passed.

Mr. Fisher presented a statement, shewing the expenditures of the State on internal improvements up to the present time, both previous to the organization of the Board of Internal Improvements and since, including stock purchased and paid for by the State in the several navigation companies, turnpike roads and canals. On motion, ordered that the said statement be printed, three copies for each member of the Assembly.

The bill to appropriate 6,232 dollars for the purpose of improving the Cape Fear river below the town of Wilmington, and for other purposes, was read the third time, passed, and ordered to be engrossed.

The bill to reduce the number of petty musters to two in the year, was read the second time. Mr. Cox moved that the further consideration thereof be postponed indefinitely, and called for the yeas and nays. The question thereon was determined in the negative—yeas 53, nays 63.

Those who voted in the affirmative, are Messrs. Allen of Montgomery, Blackledge, Blackwood, Borden, W. A. Bozman, Brevard, Brittain, Burke, Burns, Busbee, Bynum, Clayton, Cox, Dickinson, Douglass, Ellis, Falls, Fisher, E. Foy, F. Foy, Gary, Gillespie, Glisson, Harper, Hastings, Jasper, Lawson, Leonard, Lewis, Mann, Marshall, Mitchell, Nelson, Newland, Plummer, Scott, Sharpe, Shine, Speller, W. W. Stedman, Stewart, Summers, Thomas, Troy, Ward, R. Walker, H. Walker, Washington, Webb, White, Whifield, E. Williams, Wilkinson—53 yeas.

Those who voted in the negative, are Messrs. Adams, Allen of Buncombe, Baker, Ball, Barnard, Barnhardt, Barnett, Battle, Bateman, Benners, Blount, Boon, Boykin, Byrum, J. Bozman, Cherry, Clement, Conrad, Cooper, Davenport, Donoho, Dozier, Gilmore, Glasgow, Gold, Gordon, Green, Hampton, Hardy, Hodges, Hough, Jackson, Kerr, King, Lilly, Little, Love, Montgomery, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Pool, Purcell, Rhodes, Roberts, Ruffin, Salmons, Seawell, Simmons, Simpson, Smith, N. A. Stedman, Stephens, Styron, Taylor, Tillett, Underwood, Wheeler, Whitaker, Wilder, A. Williams—63 nays.

The bill thereupon was put on its passage, and the question shall the said bill pass? was determined in the affirmative—yeas 65, nays 54.

Those who voted in the affirmative, are Messrs. Adams, Baker, Barnard, Barnhardt, Barnett, Battle, Bateman, Blount, Boon, Boykin, Byrum, J. Bozman, Cherry, Clement, Conrad, Cooper, Davenport, Donoho, Dozier, Eccles, Gilmore, Glasgow, Gold, Gordon, Green, Hampton, Hardy, Hill, Hodges, Hough, Jackson, W. W. Jones, Kerr, King, Little, Lilly, Love, Montgomery, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Pool, Purcell, Rhodes, Roberts, Ruffin, Salmons, Seawell, Simmons, Simpson, Smith, Speller, Stephens, Styron, Taylor, Tillett, Underwood, Wheeler, White, Whitaker, Wilder, A. Williams—65 yeas.

Those who voted in the negative, are Messrs. Allen of Montgomery, Benners, Blackledge, Blackwood, Borden, W. A. Bozman, Brevard, Brittain, Burke, Burns, Busbee, Bynum, Clayton, Cox, Dickinson, Douglass, Ellis, Falls, Fisher, E. Foy, F. Foy, Gary, Gillespie, Glisson, Harper, Hastings, Jasper, Lawson, Leonard, Lewis, Mann, Marshall, Mitchell, Nelson, Newland, Neill, Plummer, Riddick, Scott, Sharpe, Shine, Spruill, Stedman, Stewart, Summers, Thomas, Troy, Ward, R. Walker, H. Walker, Washington, Webb, E. Williams, Wilkinson—54 nays.

Mr. Burns from the committee appointed to superintend the balloting for Brigadier General of the 7th brigade, reported that the committee had performed that duty; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again for Brigadier General of the 7th brigade, and informing that Mr. Hawkins and Mr. Davenport attend this House as a committee on their part to superintend the balloting. The message was concurred in, and the Senate informed



by message that Mr. Taylor and Mr. Glisson attend the Senate as a committee on the part of this House to superintend the balloting, and informing further that the names of Colonel Kelly and Thomas Allison are withdrawn from the nomination.

Mr. Taylor, from the committee appointed to superintend the balloting for Brigadier General of the 7th brigade, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

The bill to provide for the draining of Matamuskeet lake, was read the second time, amended and passed—yeas 61, nays 57. The yeas and nays called for by Mr. Thomas.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Ball, Barnard, Barnett, Bateman, Benners, Blackledge, Blount, Borden, W. A. Bozman, Brittain, Burns, J. Bozman, Cox, Donoho, Dozier, Eccles, Ellis, Fisher, E. Foy, Gillespie, Gilmore, Gaston, Harper, Hardy, Hill, Hough, Jasper, W. W. Jones, R. H. Jones, Kerr, King, Lewis, Love, Mann, Montgomery, Moore, M'Dearmid, M'Millan, M'Nair, Nelson, Pool, Ruffin, Salmous, Scott, Seawell, Simmons, Stephens, Stewart, Styron, Taylor, Tillett, Troy, Ward, Washington, Webb, Wheeler, White, Whitfield, B. Williams—61 yeas.

Those who voted in the negative, are Messrs. Adams, Allen of Montgomery, Baker, Barnhardt, Battle, Blackwood, Boon, Boykin, Burke, Busbee, Bynum, Byrum, Cherry, Clayton, Clement, Conrad, Cooper, Davenport, F. Foy, Gary, Glasgow, Gold, Gordon, Green, Hampton, Hastings, Hodges, Jackson, Lawson, Lilly, Little, Marshall, Mitchell, Morehead, M'Lean, Newland, Neill, Plummer, Riddick, Roberts, Sharpe, Shine, Simpson, Smith, Speller, Spruill, W. W. Stedman, N. A. Stedman, Summers, Thomas, Underwood, R. Walker, H. Walker, Whitaker, Wilder, A. Williams, Wilkinson—57 nays.

On motion, the resolution directing evening sittings was rescinded.

And the House adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 29, 1827.

The bill to establish the district of Forsythe for the purpose of holding Courts of Pleas and Quarter Sessions within the same, was read and ordered to be laid on the table.

Mr. Lewis, from the committee of Public Buildings, to whom was referred the resolution instructing them to inquire into the expediency of adopting some method to obtain a supply of water convenient to the public buildings, &c. reported that the committee, according to order, had considered the resolution referred to them, and instructed him to report a resolution to obtain the object, and recommend its passage. The said resolution was read and concurred in.

A message from the Senate, proposing to ballot this morning for Brigadier General of the 7th brigade, and informing that the name of Francis Young is withdrawn from the nomination; and further, that Mr. Nuttall and Mr. M'Millan attend this House as a committee on their part to superintend the balloting. The message was concurred in, and the Senate informed by message that Mr. Burns and Mr. Boon attend the Senate as a committee on the part of this House to superintend the balloting on the part of this House; and further, that the name of Abner L. Caldwell is withdrawn from the nomination.

Mr. Hill, from the committee on Internal Improvements to whom was referred the petition of Issac T. Avery, reported that the committee, according to order had considered the said petition, and deem it reasonable, and instructed him to report a bill in pursuance to the prayer thereof to establish a Turnpike Road in the county of Burke, and to recommend its passage. The said bill was read the first time and passed.



Mr. Hill, from the same committee, to whom was referred the report of the commissioners appointed at the last session of the Assembly on the practicability of uniting the waters of Lockwoods Folly and Elizabeth river by a canal, and the probable expense of effecting the work, reported that the committee had, according to order, had the said report under consideration, and instructed him to report that it is not necessary at the present session to legislate on the subject, and to ask that the committee be discharged from the further consideration of the subject. The report was read and concurred in.

Mr. Fisher presented a bill to incorporate the North-Carolina institution for the instruction of deaf and dumb. The said bill was read the first time and passed.

Mr. Mitchell presented the petition of John Rose, of Ashe county, praying for the passage of a law for the purpose of restoring him to the privileges of a citizen, which were forfeited by a conviction of petit larceny in the Superior Court of said county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The resignation of M. T. Hawkins, Colonel of Cavalry of the 17th brigade, was read and accepted.

A message from the Senate, proposing to ballot immediately for Colonel of Cavalry of the 17th brigade, and informing that the name of Gideon Macon Green is in nomination for the appointment. The message was disagreed to, and a message sent to the Senate, proposing to ballot for that officer on Monday morning next, and informing that the name of William Davis is added to the nomination.

The bill to legitimate Duncan Melvin and others, of the county of Bladen, was read the third time, passed and ordered to be enrolled.

Mr. Hill, from the committee on Internal Improvements, to whom was referred the bill supplemental to an act for the improvement of the navigation of Perquimons river above Newby's bridge, passed in 1825, reported that the committee had, according to order, considered the said bill, and instructed him to return the bill to the House with an amendment, and to recommend its passage. The bill was read the first time, amended in conformity with the report, and passed.

Mr. Burns, from the committee appointed to superintend the balloting for Brigadier General of the 7th brigade, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared that William H. Kerr had a majority of the whole number, and was duly elected. The report was concurred in.

On motion, ordered that Mr. Cox and Mr. Shine have leave of absence after this day, until the end of the session, and Mr. Taylor after this day, until Thursday next.

Mr. Gaston, from the joint select committee, to whom was referred the resolution instructing them to confer with the representatives, devisees and widow of the late Treasurer of this State, reported that the committee had, according to order, conferred with the representatives, devisees and widow of the deceased Treasurer, and instructed him to report the following resolution:

*Resolved*, That this House doth approve and sanction the report accompanying this resolution, and on its part doth direct the arrangements therein proposed to be carried into effect.

The report and resolution were read and concurred in.



Mr. Borden presented a bill directing the manner in which runaway slaves may be apprehended. The said bill was read the first time and passed, and, on motion, referred to Mr. Borden, Mr. Benners, Mr. Spruill, Mr. Lewis and Mr. White.

The bill to limit the appointment of Solicitor General and Solicitors to four years, was read the second time and passed.

The bill to incorporate the North-Carolina Gold Mining Company, was read the first time, amended and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to amend an act, passed in the year 1823, entitled "an act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians;" a bill to compel inspectors of fish, naval stores, lumber and all other kinds of produce, to work on roads and perform military duty, so far as regards the county of Carteret; a bill to provide for the payment of jurors of the county of Nash; a bill supplementary to the acts relative to the powers of Courts of Equity in cases of partition; a bill to regulate the payment of the salary of the Public Printer, and to prescribe the manner in which printing shall hereafter be done for the departments of this State, and for the preservation of the public buildings; a bill concerning the election of the County Surveyors in the counties of Burke, Rutherford, Buncombe, Wilkes, Ashe and Haywood; a bill concerning the appointment of Clerks of the Superior Courts and Clerks and Masters in Equity; a bill to incorporate the Nashville Male and Female Academies; a bill to alter the place of holding the separate election in that part of the county of New-Hanover called Caintuck; a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Pitt;" a bill to authorise John Waddell, of Randolph county, to erect two gates; a bill to provide more effectually for the representation of the stock of the State held in the Bank of Cape-Fear; a resolution relative to procuring iron backs for the fire places in the Senate Chamber and Commons Hall; a resolution in favor of Calvin R. Blackman, Sheriff of Wayne county; and a resolution in favor of the administrator of Thomas Elliott, of Mecklenburg county, and asking the concurrence of this House.

The bill to provide for the payment of jurors of the county of Ashe; also the bill to amend an act, passed in the year 1823, entitled "an act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians;" also the bill to compel inspectors of fish, naval stores, lumber and all other kind of produce, to work on roads and perform military duty, so far as regards the county of Carteret; also the bill to alter the place of holding the separate election in that part of the county of New Hanover called Caintuck; also the bill supplementary to the acts relative to the power of Courts of Equity in cases of partition; also the bill concerning the appointment of Clerks of the Superior Courts and Clerks and Masters in Equity; also the bill to incorporate the Nashville Male and Female Academies; also the bill concerning the election of County Surveyors in the counties of Burke, Rutherford, Buncombe, Wilkes, Ashe and Haywood; and also the bill to regulate the payment of the salary of the Public Printer, and to pre-



scribe the manner in which printing shall hereafter be done for the departments of this State, and for the preservation of the public buildings, were respectively read the first time and passed.

The resolution relative to procuring iron backs for the fire places in the Senate Chamber and Commons Hall; also the resolution in favor of the administrator of Thomas Elliott, of Mecklenburg county; and also the resolution in favor of Calvin R. Blackman, Sheriff of Wayne county, were respectively read the first time and passed.

Received from the Senate, a resolution, instructing the committee of Finance to take charge of all the money in the Treasury office, and that they burn so much of the Treasury notes as they may deem unfit for circulation, &c. The said resolution was read, concurred in, and returned to the Senate.

Mr. Eccles presented the memorial of the President of the Cape-Fear Bank, praying that the tax paid by the bank to the State be repealed or modified. On motion, ordered that the said memorial be referred to a joint select committee, and on the part of this House to Messrs. Eccles, Hill and Alexander. Sent to the Senate for concurrence.

The bill to allow the Sheriff of Carteret county travelling fees when he may be compelled to travel to Occacock or Portsmouth to execute process of any sort; also the bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions of the county of Caswell, were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate for concurrence.

The bill to incorporate the Zion Relief Society of North-Carolina; also the bill to authorise Ann Fewell, of the county of Rockingham, to erect a gate across the public road leading through her plantation on Dan river, were read the second and third times, passed and ordered to be engrossed.

The resolution in favor of William Thompson; also the resolution in favor of Jesse Rogers, of Moore county, were read the second time, the former passed and the latter rejected.

The bill to authorise the wardens of the poor for the county of Mecklenburg to purchase a tract of land and erect such buildings as will be suitable for the comfortable accommodation of the poor of said county, was read the second and third times, passed and ordered to be enrolled.

The bill to establish a Turnpike Road in the county of Haywood; also the bill to incorporate the trustees of Holly Grove Academy, in Sampson county, were read the second and third times, passed and ordered to be engrossed.

The bill to authorise Robert Galloway, junr. to erect a gate across the public road leading from Rockingham court-house to the Eagle Falls on Dan river; also the bill to appoint additional commissioners for the town of Stantonsburg, in the county of Edgecomb; also the bill to authorise the treasurer of public buildings of the county of Craven to convey certain property to the trustees of the Newbern Academy, and to receive from the said trustees, and hold in trust for said county, certain property, were read the second and third times, passed and ordered to be enrolled.

The bill to regulate the sale of land and slaves, so far as respects the county of Northampton; also the resolution in favor of Giles Johnston, were read the second time and passed.



The bill to authorise the Court of Pleas and Quarter Sessions of the county of Rowan to appoint a committee of Finance, was read the second and third times, passed and ordered to be engrossed.

The bill to establish a work house in the county of Beaufort, and for other purposes, was read the second and third times, and the title amended to read "a bill to explain and amend the several acts of Assembly concerning the poor house in the county of Beaufort." The question, shall the said bill pass its several readings and be engrossed? was determined in the affirmative.

The bill to amend an act to provide for the paying of jurors in the county of Wayne, passed in the year 1823, was read the second and third times, passed and ordered to be engrossed.

Mr. Little presented a bill providing for the appointment of electors to vote for a President and Vice President of the United States. The said bill was read the first time and rejected—yeas 34, nays 91. The yeas and nays called for by Mr. Little.

Those who voted in the affirmative, are Messrs. Adams, Allen of Montgomery, Barnhardt, Barnett, Benners, Blackledge, Borden, Brevard, Clement, Conrad, Dickinson, Falls, E. Foy, Glisson, Gas on, Hampton, Hastings, Hill, Hodges, Little, Lilly, Marshall, M'Dearmid, M'Lean, Pool, Purcell, Simpson, Smith, Summers, Troy, H. Walker, Washington, A. Williams—34 yeas.

Those who voted in the negative, are Messrs. Alexander, Allen of Buncombe, Baker, Ball, Barnard, Battle, Bateman, Blount, Boon, Boykin, W. A. Bozman, Brittain, Burke, Burns, Busbee, Bynum, Byrum, J. Bozman, Cherry, Clayton, Cooper, Cox, Davenport, Donoho, Douglass, Dozier, Eccles, Ellis, Fisher, F. Foy, Gary, Gillespie, Gilmore, Glasgow, Gold, Gordon, Green, Harper, Hardy, Hough, Jackson, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Kilpatrick, King, Lawson, Leonard, Lewis, Love, Mann, Mitchell, Montgomery, Morehead, M'Millan, M'Nair, Nelson, Newland, Neill, Plummer, Riddick, Roberts, Ruffin, Salmons, Scott, Seawell, Sharpe, Shine, Simmons, Speller, Spruill, W. W. Stedman, N. A. Stedman, Stephens, Stewart, Styron, Thomas, Tillett, Underwood, Ward, R. Walker, Webb, Wheeler, White, Whitfield, Whitaker, Wilder, E. Williams, Wilkinson—91 nays.

The bill to establish the county of Macon was read the first time and passed—yeas 69, nays 50. The yeas and nays called for by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Barnett, Blackwood, Boon, Borden, Brevard, Brittain, Burns, Busbee, J. Bozman, Clayton, Clement, Conrad, Donoho, Eccles, Falls, Fisher, Glasgow, Glisson, Gold, Gordon, Green, Gaston, Hampton, Hill, Hodges, Hough, Jasper, W. W. Jones, H. C. Jones, Kerr, Lawson, Lewis, Lilly, Little, Love, Marshall, Mitchell, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Newland, Neill, Plummer, Pool, Purcell, Rhodes, Roberts, Salmons, Scott, Seawell, Simpson, Smith, N. A. Stedman, Stephens, Summers, Thomas, Troy, H. Walker, White, E. Williams, A. Williams—69 yeas.

Those who voted in the negative, are Messrs. Ball, Barnard, Battle, Bateman, Boykin, W. A. Bozman, Burke, Bynum, Byrum, Cherry, Cooper, Cox, Davenport, Dickinson, Dozier, Ellis, E. Foy, F. Foy, Gary, Gillespie, Harper, Hardy, Hastings, Jackson, R. H. Jones, Kilpatrick, King, Leonard, Mann, Montgomery, Nelson, Riddick, Ruffin, Sharpe, Shine, Simmons, Speller, Spruill, W. W. Stedman, Stewart, Styron, Tillett, Underwood, Ward, Washington, Webb, Wheeler, Whitaker, Wilder, Wilkinson—50 nays.

The House then adjourned until 4 o'clock, P. M.

A message from the Senate, consenting to ballot at the meeting of the two Houses on Monday for Colonel of Cavalry attached to the 17th brigade.

The bill granting to the Superior Court of the county of Moore original



and exclusive jurisdiction in all cases where the intervention of a jury is necessary, was read, and, on motion, laid on the table.

A message from the Senate, informing that they had passed the engrossed resolution in favor of James Patton, of Buncombe, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

The bill to repeal an act, entitled "an act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde," was read the third time, passed and ordered to be sent to the Senate, asking the concurrence of that House to an amendment.

On motion of Mr. Alexander,

*Resolved*, That a joint select committee be appointed to inquire what measures this Legislature can adopt, if any, to protect the local banks of this State, and consequently the interest of the State and its citizens, against the destructive operations of the Bank of the United States at Fayetteville; and that they report by bill or otherwise: and on the part of this House, to Messrs. Alexander, Fisher and Bynum.

Sent to the Senate for concurrence.

A message from the Senate, informing of the agreement of that House with the amendment made in the resolution appointing W. R. Hill Librarian. Ordered that the said resolution be enrolled.

The bill authorising the trustees of the Richmond Academy to raise the sum of ten thousand dollars by way of lottery, was read the second time and rejected.

The bill to exempt certain persons in Hyde county from serving on juries; also the bill concerning the dockets of the Court of Equity for the county of Columbus; and also the resolution in favor of Jesse Rogers, of Moore county, were respectively read and postponed indefinitely.

The resignations of P. Ballew, Colonel, and David Newland, Lieutenant Colonel of the second regiment of the Burke militia; and Jesse Hargrave, justice of the peace of the county of Davidson, were read and accepted.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to establish a medical board and to regulate the practice of physic and surgery in this State.

The House then adjourned until Monday morning next, 10 o'clock.

#### MONDAY, DECEMBER 31, 1827.

Mr. Spruill presented a bill to incorporate Enfield Lodge, No. 88, in the county of Halifax. Mr. Kilpatrick presented a bill to incorporate St. John's Lodge, in the county of Lenoir. Mr. Mitchell presented a bill prescribing the time for the sale of land and slaves within Ashe county. Mr. Battle presented a bill to compel the County Court of Nash to appoint a committee of Finance. These bills were read the first time and passed.

Mr. Bynum, from the committee of Claims, to whom was referred the resolution authorising the Treasurer to pay William Welch fifty-seven dollars, reported that the committee, according to order, had considered the resolution, and instructed him to recommend that it be rejected. The report was read and concurred in.

On motion of Mr. Stewart,

*Resolved*, That no bill of a private nature shall be introduced in this House after Tuesday next.

Mr. Blount presented a bill to cede to the United States a point of



marsh on the south side of Neuse river, for the purpose of erecting thereon a light house. Mr. Mitchell presented a bill to encourage the destruction of wolves within Ashe county. These bills were read the first time and passed.

Mr. Sprull, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of providing by law for arranging, revising and digesting the whole body of public and statute law of North-Carolina, reported that the committee had considered the said resolution, and instructed him to recommend that it be rejected. The report was read and concurred in.

Mr. Boykin presented a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Sampson. The said bill was read the first time and passed.

Received from his Excellency the Governor the following communication:

EXECUTIVE OFFICE, Dec. 31, 1827.

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN,—In obedience to an act, passed in the year 1794, I have the honor to lay before you the annual report of the Treasurer of the University, made to the Board of Trustees, and exhibiting an account of the receipts and expenditures of that institution for the past year.

The accounts of the Treasurer have been examined by a committee of the Board, and found to be correct.

I have also the honor to state that there are now four vacancies in the Board of Trustees, occasioned by the deaths of John Haywood, Joseph Hawkins and Enoch Sawyer, and by the resignation of Thomas P. Devereux. The resignation of Mr. Devereux is herewith transmitted.

I have the honor to be, with high consideration, your obedient servant.

JAMES IREDELL, *Pres't of the Board of Trustees.*

On motion, ordered that the said communication be sent to the Senate, with a proposition to ballot to-morrow morning for four Trustees, to fill the vacancies in the Board; and informing that William Robards, Gavin Hogg and Hugh D. Waddle are nominated to fill the vacancies.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for Colonel of Cavalry attached to the 17th brigade, and informing that the name of William Davis is added to the nomination; and proposing further, to ballot at the meeting of the two Houses to-morrow for Lieutenant Colonel and Major of Cavalry attached to the 15th brigade.

Mr. Busbee presented the following resolution:

Whereas, when property is sold by execution, many persons claim the same without really having title thereto: and whereas such claim prevents the said property from selling at its proper value:

*Resolved, therefore,* That the committee on the Judiciary be instructed to inquire into the expediency of so amending the existing law, as to compel the claimant to file an affidavit.

The said resolution was read and concurred in.

Mr. Allen, of Montgomery, presented a bill concerning the committee of Finance of Montgomery county; which was read the first time and passed.

Mr. Adams, from the select committee to whom was referred the resolution directing them to inquire into the expediency of amending the laws on the subject of bastardy, reported that the committee had, according to order, considered the said resolution, and instructed him to recommend that it be rejected. The report was read and concurred in.

Mr. Morehead, from the committee on Education, to whom was refer-



red the bill to repeal an act, passed in the year 1825, entitled "an act to create a fund for the establishment of common schools," reported that the committee had had the said bill under consideration, and instructed him to recommend that the said bill be rejected. The report was read and concurred in.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of John Logan and wife, of Rutherford county, reported that the committee, according to order, had considered the said petition, and instructed him to recommend that it be rejected. The report was read and concurred in.

Mr. Gary, from the same committee, to whom was referred the petition of Benjamin Rhodes, of Chatham county, reported unfavorably to the prayer of the petition, recommending its rejection. The report was read and concurred in.

Mr. Seawell, from the committee on Agriculture, to whom was recommended the bill to repeal all acts concerning agriculture and family domestic manufactures, reported that the committee had, according to order, reconsidered the said bill, and instructed him to recommend the adoption of their first report, recommending the passage of the said bill.—The report was read and disagreed to, and the bill reported read and rejected.

The bill to establish the county of Macon, was read the second time, amended, and passed—yeas 64, nays 60. The yeas and nays called for by Mr. W. W. Stedman.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Barnett, Blackwood, Boon, Borden, Brevard, Brittain, Burns, Busbee, Clayton, Clement, Conrad, Donoho, Douglass, Eccles, Falls, Fisher, Glasgow, Gold, Gorden, Green, Gaston, Hampton, Hill, Hodges, Hough, W. W. Jones, H. C. Jones, Lawson, Lewis, Lilly, Little, Love, Marshall, Mitchell, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, Newland, Neill, Plummer, Purcell, Rhodes, Roberts, Salmons, Seawell, Scott, Simpson, Smith, N. A. Stedman, Stockard, Summers, Thomas, Troy, H. Walker, White, E. Williams, A. Williams—64 yeas.

Those who voted in the negative, are Messrs. Adams, Ball, Barnard, Battle, Bateman, Benners, Blackledge, Blount, Boykin, W. A. Bozman, Burke, Bynum, Byrum, J. Bozman, Cherry, Cooper, Davenport, Dickinson, Dozier, Ellis, E. Foy, F. Foy, Gary, Gillespie, Glisson, Harper, Hardy, Hastings, Jackson, Jasper, R. H. Jones, Kerr, Kilpatrick, King, Leonard, Mann, Montgomery, Nelson, Pool, Riddick, Ruffin, Sharpe, Simmons, Speller, Spruill, W. W. Stedman, Stephens, Stewart, Styron, Tillett, Underwood, Ward, R. Walker, Washington, Webb, Wheeler, Whitfield, Whitaker, Wilder, Wilkinson—60 nays.

The House then adjourned until 4 o'clock, P. M.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to legitimate Duncan Melvin and others, of the county of Bladen; and informing further, that they had indefinitely postponed the engrossed bill to incorporate the first Presbyterian Church in the town of Oxford.

On motion, ordered that the bill to legitimate Duncan Melvin and others, of the county of Bladen, be enrolled.

A message from the Senate, agreeing to ballot to-morrow morning for four trustees of the University of North Carolina, and informing that the name of Emanuel Shober is added to the nomination; also agreeing to ballot to-morrow for Cavalry Officers attached to the 15th brigade, and informing that the name of Benjamin S. Brittain is added to the nomination, and proposing to ballot to-morrow for Cavalry Officers attached to the 5th



brigade, and informing that Roderick B. Garv as Colonel Commandant, Solomon Pender as Lieutenant Colonel, and Jesse A. Bynum as Major, are in nomination.

The engrossed bill to compel inspectors of fish, naval stores, lumber, and all other kind of produce, to work on roads and perform military duty, so far as regards the county of Carteret; also the bill to provide for the payment of jurors of the county of Nash; also the bill to alter the place of holding the separate election in that part of the county of New-Hanover called Caintuck; also the bill to render valid, certain acts of the acting Coroner of Stokes county, were respectively read the second and third times, passed and ordered to be enrolled.

A message from the Senate, consenting that the report of the joint select committee on the affairs of the Treasury, be printed as proposed by this House.

The bill to incorporate St. John's Lodge, in the county of Lenoir; also the bill concerning the committee of Finance of Montgomery county; also the bill to incorporate Enfield Lodge, No. 88, in the county of Halifax; also the bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Sampson; also the bill prescribing the time for the sale of land and slaves in Ashe county, were respectively read the second and third times, passed and ordered to be engrossed.

The bill to incorporate the Nashville Male and Female Academies; also the bill to regulate the sale of land and slaves, so far as respects the county of Northampton, were read the third time and passed, the former ordered to be enrolled, the latter engrossed.

The bill to repeal an act, passed in the year 1826, to appoint commissioners to build a new Court House in Surry, and for other purposes; also the bill to encourage the destruction of wolves within Ashe county; also the bill to compel the County Court of Nash to appoint a committee of Finance, were read the second and third times, passed and ordered to be engrossed.

Mr. Hill presented a bill for the better regulation of the towns of Newbern and Wilmington. The said bill was read the first, second and third times, passed and ordered to be engrossed.

The bill to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Davidson, was read the second and third times, passed and ordered to be engrossed.

The bill to amend an act, passed at the last Session of the General Assembly, entitled "An act to establish a poor house in the county of Pitt," was read the first and second times and passed.

Mr. Eccles, who voted in the majority on the question of rejection of the resolution in favor of Jesse Rogers, of Moore county, moved that the House do now reconsider that vote. The question thereon was determined in the affirmative.

The bill to authorise John Waddell, of Randolph county, to erect two gates, was read the first, second and third times, passed and ordered to be enrolled.

The bill to provide more effectually for the representation of the Stock of the State, held in the State Bank of North Carolina, was read the first time and passed.



The bill to divorce Hugh Reed from his wife Susanna, was read the second time and rejected.

Mr. Jones, of Rowan, presented a bill giving dower to the widow in all cases in which the husband might have claimed curtesy. The said bill was read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

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TUESDAY, JANUARY 1, 1828.

On motion, ordered that Mr. Rhodes have leave of absence after this day, until the end of the Session.

On motion of Mr. Glisson, ordered that he be discharged from the committee on enrolled bills; and that Mr. Brevard and Mr. Mann be added to that committee.

On motion, ordered that a message be sent to the Senate, informing that the name of Gavin Hogg is withdrawn from the nomination for Trustees of the University; and that those of John J. Daniel, N. J. Drake, John D. Eccles, John C. Taylor, William Julius Alexander and Alfred M. Gatling added, and proposing to ballot for the trustees at the meeting of the two Houses to-morrow morning.

Mr. Boon presented a bill concerning the number of justices required in the removal of certain officers. Mr. Little, a bill prescribing the manner in which lands shall hereafter be advertised for sale for taxes in the county of Anson. Mr. Hill, a bill to continue in force an act, passed in the year 1823, entitled "An act directing a Geological and Mineralogical survey to be made of the State of North Carolina." Mr. H. Walker, a bill prescribing the time at which County Trustees for the county of Randolph shall be elected, and make their settlements. These bills, respectively, were read the first time and passed.

On motion, ordered that Mr. Whitfield have leave of absence after this day until the end of the Session.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1825, entitled "An act for the better regulation of the town of Beaufort;" also the engrossed resolution in favor of Parham Kirk, Sheriff of Montgomery county, and asking the concurrence of this House.

The resolution in favor of Parham Kirk, Sheriff of Montgomery county; also the bill to amend an act, passed in the year 1825, entitled "An act for the better regulation of the town of Beaufort," were read the first time and passed.

Mr. Alexander, from the Judiciary committee, to whom was referred the bill to amend an act, passed in the year 1777, entitled "An act to establish Courts of Law, and regulating proceedings therein," reported the bill with sundry amendments, and recommended its passage. The report was concurred in, and the bill read the second time and passed.

On motion, ordered that Mr. Hastings have leave to withdraw from the files the petition of Jesse Barden

The resignation of Francis Young, Colonel Commandant of the second regiment of the Iredell militia, was presented, read and accepted.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Occacock Navigation Company, with several amendments, and asking the concurrence of this House. The amend-



ments were read, the two first concurred in, and the last disagreed to, and the Senate informed thereof by message.

The resolution proposing to raise a joint select committee to inquire what measures this Legislature can adopt, if any, to protect the local Banks of this State, &c. was returned from the Senate, concurred in, and referred, on their part, to Messrs. Shober, M'Eachin and Pickett.

A message from the Senate, informing of the dissent of that House to ballot immediately for Colonel of Cavalry attached to the 17th brigade, and proposing to ballot for that officer on Thursday next.

Mr. Spruill, from the select committee, to whom was referred the bill directing the manner in which runaway slaves may be apprehended, reported that the committee, according to order, had considered the said bill, and instructed him to recommend that it be rejected. The report was concurred in, and the bill read and rejected.

Mr. Gaston presented a bill to amend an act, passed in the year 1715, entitled "An act to appoint public Registers, and to direct the method to be observed in conveying lands, goods and chattles, and for preventing fraudulent deeds and mortgages." The said bill was read the first time and passed.

The resolution in favor of the heirs of John J. Bonner, was read the third time, passed and ordered to be enrolled.

Mr. Brevard presented a bill to extend the provisions of an act, passed in the year 1823, entitled "An act granting further time to perfect titles to lands within this State." Mr. Gaston, a bill to prohibit vice and immorality at, and in the vicinity of the University, and for other purposes. These bills were read the first time and passed.

Mr. Fisher, from the select committee, to whom was referred the resolution on the subject of Cotton and Woollen Manufactories, and on the growing of Wool in the State, made a report, which, on motion, was ordered to be printed, one copy for each member of the Assembly.

On motion, ordered that Enoch Foy have leave of absence after this day until the end of the Session.

On motion, ordered that the bill to repeal an act, entitled "An act concerning the Courts of Pleas and Quarter Sessions for the county of Hyde," be enrolled.

The bill for the protection of securities, and for other purposes; also the bill supplementary to the several acts now in force, for the relief of insolvent debtors, were read the third time, passed and ordered to be engrossed.

A message from the Senate, informing of the assent of that House to ballot to-morrow morning for trustees of the University.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for three persons to represent the State in the approaching meeting of the Stockholders in the Cape Fear Bank; and informing for this appointment Isaac Wright, of Bladen, Frederick J. Hill, of Brunswick, are nominated.

The bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "An act to revise the militia laws of this State relative to the infantry," and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "An act to amend the militia laws of this State;" also the bill respecting certain reservations claimed by Indians



lately acquired by treaty from the Cherokee nation, were read the third time, passed and ordered to be engrossed.

A message from the Senate, consenting to ballot immediately for three persons to represent the interest of the State in the approaching meeting of the Stockholders in the Bank of Cape Fear, and informing that the name of Louis D. Wilson is added to the nomination, and that Mr. Burney and Mr. Askew of Hertford attend this House to superintend the balloting on their part. On motion, ordered that the Senate be informed by message, that Mr. Gary and Mr. Simpson attend the Senate as a committee on the part of this House to superintend the balloting.

The resignation of Calvin R. Blackman, Major of the first regiment of the Wayne county militia, was read and accepted.

On motion of Mr. Wheeler,

*Resolved*, That the Board of Internal Improvements be authorised to direct the Civil Engineer, when surveying the swamp lands in the eastern section of this State, to examine into the propriety of redeeming the lands of Alosky swamp, by drain or otherwise.

Mr. Hill presented a bill to incorporate the Henrietta Steam Boat Company in the town of Fayetteville; and Mr. Jones, of Rowan, a bill to amend the 6th section of an act, passed in the year 1820, entitled "An act to provide for the payment of the Civil List and contingent charges of government. The said bills were read the first time and passed.

The resolution relative to the interchange of laws with other States, was read the third time, passed and ordered to be enrolled.

The bill to provide for the draining of Mattamuskeet Lake, was read the third time, amended and passed, and ordered to be engrossed—yeas 62, nays 57. The yeas and nays called for by Mr. Jones, of Warren.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Baker, Ball, Barnard, Barnett, Bateman, Benners, Blackledge, Blount, Borden, W. A. Bozman, Brittain, Burns, J. Bozman, Davenport, Donoho, Douglass, Dozier, Eccles, Ellis, Fisher, Gary, Glasgow, Glisson, Gaston, Harper, Hardy, Hill, Hough, Jasper, W. W. Jones, R. H. Jones, H. C. Jones, Kerr, Kilpatrick, King, Lawson, Love, Mann, Montgomery, Moore, M'Dearmid, M'Millan, M'Nair, Nelson, Pool, Ruffin, Salmons, Scott, Simmons, Spruill, Stephens, Stewart, Styron, Tillett, Ward, Washington, Webb, Wheeler, White, E. Williams—62 yeas.

Those who voted in the negative, are Messrs. Allen of Montgomery, Barnhardt, Battle, Blackwood, Boon, Boykin, Brevard, Burke, Busbee, Bynum, Byrum, Cherry, Clayton, Clement, Conrad, Cooper, Falls, Gillespie, Gold, Gordon, Green, Hampton, Hastings, Hodges, Jackson, Leonard, Lilly, Little, Marshall, Mitchell, Morehead, M'Lean, Newland, Neill, Perry, Plummer, Purcell, Riddick, Roberts, Seawell, Sharpe, Simpson, Smith, Speller, W. W. Stedman, N. A. Stedman, Stockard, Summers, Thomas, Troy, Underwood, R. Walker, H. Walker, Whitaker, Wilder, A. Williams, Wilkinson—57 nays.

The bill to establish the county of Macon, was read the third time and passed—yeas 61, nays 44. The yeas and nays called for by Mr. Ellis.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Barnhardt, Barnett, Blackwood, Borden, Brevard, Brittain, Burns, Busbee, Clayton, Clement, Conrad, Donoho, Douglass, Eccles, Falls, Fisher, Gilmore, Glasgow, Gordon, Green, Gaston, Hampton, Hill, Hodges, Hough, W. W. Jones, H. C. Jones, Lawson, Lewis, Lilly, Little, Love, Marshall, Mitchell, Moore, Morehead, M'Lean, M'Millan, M'Nair, Newland, Neill, Plummer, Purcell, Rhodes, Roberts, Salmons, Scott, Seawell, Simpson, Smith, Stockard, Summers, Thomas, Troy, H. Walker, White, A. Williams—61 yeas.

Those who voted in the negative, are Messrs. Ball, Barnard, Battle, Bateman, Blackledge, Boykin, W. A. Bozman, Burke, Bynum, Byrum, J. Bozman, Cherry, Cooper, Davenport, Dickinson, Dozier, Ellis, Gary, Gillespie, Harper, Hardy, Hastings, Jackson, R. H. Jones, Kerr, Kilpatrick, King, Montgomery, Ruffin, Sharpe, Simmons, Speller, Spruill, Stephens, Stewart, Tillett, Underwood, Ward, Webb, Wheeler, Whitaker, Wilder, E. Williams, Wilkinson—44 nays.



Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The House then adjourned until 4 o'clock, P. M.

The bill to amend an act, passed in the year 1825, entitled "an act for the better regulation of the town of Beaufort, was read the second and third times, passed and ordered to be engrossed.

Mr. W. Bozman presented a bill to repeal an act, passed in the year 1824, entitled "an act to alter the place of holding general musters in Washington county. The said bill was read the first, second and third times, passed and ordered to be engrossed.

The bill concerning the elections of members of the General Assembly and members of Congress in the county of Washington, was read the second time and rejected.

Mr. Gary, from the committee appointed to superintend the balloting for three persons to represent the interest of the State in the approaching meeting of the Stockholders in the Bank of Gape Fear, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, Isaac Wright, Frederick J. Hill and Louis D. Wilson had each a majority of the whole number, and were duly elected. The report was concurred in.

Mr. Boykin, from the Military committee, to whom was referred the bill prescribing the manner in which field officers and generals shall hereafter be recommended to the General Assembly, reported that the committee had considered the said bill, and instructed him to return it with an amendment, and to recommend its passage. The report was concurred in, and the bill read the second time and passed.

The bill to amend an act, passed at the last session of the Assembly, entitled "an act to establish a poor house in the county of Pitt," was read the third time, passed and ordered to be enrolled.

The bill prescribing the manner in which lands shall hereafter be advertised for sale for taxes in the county of Anson; also the bill concerning the town of Edenton; also a bill prescribing the time at which county trustees for the county of Randolph shall be elected and make their settlements; also the bill to incorporate the Henrietta Steam Boat Company, in the town of Fayetteville; also the bill making it the duty of major generals to review the first regiment of the Edgecomb militia at their usual regimental muster ground, were respectively read the second and third times, passed and ordered to be engrossed.

The bill concerning the election of county surveyors in the counties of Burke, Rutherford, Buncombe, Wilkes, Ashe and Haywood, was read the second and third times, passed and ordered to be enrolled.

Mr. Eccles presented the petition of sundry inhabitants of the town of Fayetteville, praying for the repeal of the law giving to the commissioners of said town the right of granting licenses to retail spiritous liquors. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill granting to the Superior Court of the county of Moore original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, was read the second time and postponed indefinitely.

The bill to legitimate and alter the name of Mary Ann Eliza Tooty, was read the third time, passed and ordered to be enrolled.



The resolution in favor of John Mellewee, of Mecklenburg county, was read the third time and rejected—yeas 24, nays 72. The yeas and nays called for by Mr. Jones, of Warren.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Barnhardt, Blackwood, Brittain, Burns, J. Bozman, Clayton, Dozier, Eccles, Falls, Gold, Jasper, Leonard, Lilly, Love, Moore, Morehead, M'Lean, Newland, Neill, Plummer, Stockard, Summers—24 yeas.

Those who voted in the negative, are Messrs. Allen of Montgomery, Ball, Barnard, Battle, Benners, Blount, Boon, Borden, Boykin, Burke, Busbee, Byrum, Cherry, Clement, Conrad, Cooper, Davenport, Dickinson, Donoho, Ellis, Fisher, F. Foy, Gary, Gillespie, Glasgow, Glisson, Gordon, Green, Gaston, Hampton, Harper, Hardy, Hastings, Hill, Hodges, Hough, Jackson, R. H. Jones, W. W. Jones, H. C. Jones, King, Lawson, Little, Marshall, Montgomery, M'Dearmid, Nelson, Perry, Riddick, Roberts, Ruffin, Seawell, Sharpe, Simmons, Simpson, Smith, Spruill, W. W. Stedman, Stephens, Stewart, Styron, Thomas, Tillett, Underwood, H. Walker, Washington, Webb, White, Whitaker, Wilder, A. Williams, Wilkinson—72 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, JANUARY 2, 1828.

On motion, ordered that Mr. Ellis after this day, and Mr. White after to-morrow, have leave of absence until the end of the Session.

The resignations of John Clement, of Rowan county, and James Howze, of Franklin county, justices of the peace, were presented, read and accepted.

Mr. Glisson presented a bill concerning talis jurors; and Mr. M'Nair, a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to alter an act, entitled 'an act to amend the fourth section of an act passed in the year 1804.'" The said bills were read the first time and passed.

The bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters, was read the second and third times, passed and ordered to be engrossed.

The bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to alter an act, entitled 'an act to amend the fourth section of an act, passed in the year 1804,'" was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, and a resolution, to wit: a bill to restore to credit Thomas Martin, of Rutherford county; a bill to secure to Jane Becknall, of Ashe county, what property she may hereafter acquire; a bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said company; also a bill for the better regulation of the Court of Pleas and Quarter Sessions of the county of Robeson; also a bill imposing an additional tax on suits in the Superior Courts of Law and Courts of Equity and Courts of Pleas and Quarter Sessions in the county of Duplin; also a bill to erect an arsenal on the south west of the public square on which the capitol stands; a bill to authorise the securities of Edward Griffin, late sheriff of Martin county, to collect arrears of taxes; also the bill relative to the sale of the estates of infants; also a resolution in favor of Ichabod Wetmore; and also a resolution in favor of John Davis, of Lincoln county; and asking the concurrence of this House.

The bill to secure to Jane Becknall, of Ashe county, what property she



may hereafter acquire; also the bill to authorise the securities of Edward Griffin, late sheriff of Martin county, to collect arrears of taxes; also the bill to erect an arsenal on the south west of the public square on which the capitol stands; also the bill relative to the sale of the estates of infants; also the bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said company; also the bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Robeson, were respectively read the first time and passed.

A message from the Senate, informing of their assent to the amendment made by this House in the engrassed bill to incorporate the North-Carolina Gold Mining Company. Ordered that the said bill be enrolled.

The resolution in favor of Ichabod Wetmore; also the resolution in favor of John Davis, of Lincoln county, were read the first time, the former passed and the latter rejected.

On motion, ordered that a message be sent to the Senate, informing that Mr. Lewis and Mr. Burns attend the Senate as superintendents of the balloting for four trustees of the University on the part of this House.

Received from his Excellency the Governor the following communication:

GENTLEMEN,—I transmit to you the account of Governor Burton, while acting ex-officio as guardian of James Forsythe, with the accompanying vouchers. As soon as the account shall have been examined and approved by you, the balance remaining in his hands will be paid over to me, and will be immediately vested in some productive stock according to the directions of the resolution adopted by the General Assembly in the year 1825.

I also enclose the resignations of militia officers and justices of the peace, received since the commencement of the session. The resignation of Jesse Speight, Brigadier General of the second brigade, has been received at this department and accepted. The letter containing the resignation has, through mistake, been destroyed.

I have the honor to be, with the highest respect, your most obedient servant,

JAMES IREDELL.

*Executive Office, January 2, 1828.*

On motion, ordered that the said message be sent to the Senate.

A message from the Senate, informing that Mr. Ramsay and Mr. Burney form the committee to superintend the balloting on their part for four trustees of the University.

On motion of Mr. Gaston, ordered that a message be sent to the Senate, proposing to ballot to-morrow morning for Brigadier General of the second brigade, to supply the vacancy occasioned by the resignation of Jesse Speight, and informing that the names of John J. Pasteur and Thomas Marshall are in nomination for the appointment.

The bill making it the duty of sheriffs, coroners and constables to serve all notices required to be given in process at law or equity, was read the third time, passed and ordered to be engrossed.

The resolution in favor of William Thompson, was read the third time, passed and ordered to be enrolled.

Mr. Seawell presented a bill concerning the Superior and County Courts of Moore; and Mr. Moore, a bill for the relief of Samuel Carter and Solomon Carter. The said bills were read the first time and passed.

A message from the Senate, proposing that the report of the joint select committee on the resolution relative to the woollen bill, herewith sent, be printed one copy for each member of the General Assembly. The message was concurred in, and returned to the Senate.

Mr. Lewis, from the committee appointed to superintend the balloting



for four trustees of the University of North-Carolina, reported that the committee had performed that duty; and that, on examining the ballots, it appeared William Julius Alexander, William Robards and Nicholas J. Drake had each a majority of the whole number, and were duly elected. The report was concurred in.

The resolution in favor of John W. Hamilton, was read the third time and passed; and the resolution, reconsidered on the motion of Mr. Seawell, in favor of Jesse Rogers, of Moore county, was read the second and third times and passed. Ordered that the said resolutions be enrolled.

The bill directing what construction shall be given to contingent executory limitations, was read the third time, passed and ordered to be engrossed.

The resolution directing the Public Treasurer to pay to Henry Gorman, fourteen dollars and fifty cents; also the resolution in favor of Giles Johnston, were read the third time, passed and ordered to be engrossed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Ashe county, praying that John Rose, of said county, be restored to the privileges of a citizen, reported that the committee had, according to order, considered the petition, and instructed him to recommend to the House that it be rejected. The report was read and concurred in.

The bill to establish a Turnpike Road in the county of Burke, was read the third time, amended, passed and ordered to be engrossed.

The bill to reduce the number of petty musters to two in the year, was read the third time. Mr. Sharpe moved that the further consideration of the bill be postponed indefinitely. The question thereon was determined in the negative—yeas 39, nays 53. The yeas and nays called for by Mr. Sharpe.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Montgomery, Barnhardt, Blackledge, Blackwood, Borden, W. A. Bozman, Brevard, Burke, Busbee, Clayton, Dickinson, Donoho, Douglass, Falls, F. Foy, Gary, Gillespie, Hodges, Jasper, Little, Mann, Marshall, Mitchell, M'Lean, Neill, Plummer, Riddick, Scott, Sharpe, W. W. Stedman, Stockard, Troy, H. Walker, Washington, Webb, White, E. Williams, Wilkinson—39 yeas.

Those who voted in the negative, are Messrs. Allen of Buncombe, Baker, Ball, Barnard, Battle, Bateman, Benners, Boon, Boykin, Byrum, J. Bozman, Cherry, Clement, Conrad, Cooper, Dozier, Eccles, Gilmore, Glasgow, Gold, Gordon, Green, Hampton, Harper, Hardy, Hough, Jackson, R. H. Jones, H. C. Jones, Kerr, Lawson, Lilly, Montgomery, Morehead, M'Dearmid, M'Millan, Nelson, Perry, Pool, Purcell, Ruffin, Salmon, Seawell, Simmons, Stephens, Stewart, Styron, Summers, Tillett, Wheeler, Whitaker, Wilder, A. Williams—53 nays.

The said bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed.

The House then adjourned until 4 o'clock, P. M.

The bill to restore to credit Thomas Martin, of Rutherford county; also the bill imposing an additional tax on suits in the Superior Courts of Law and Equity, and Courts of Pleas and Quarter Sessions, in the county of Duplin, were read each the first time, the former rejected, and the latter postponed indefinitely.

The bill requiring ministers of the gospel and justices of the peace to return marriage licenses to the Clerks of the County Courts, and for other purposes, was read the third time, and, on motion, postponed indefinitely.



The bill to secure to Jane Becknall, of Ashe county, such property as she may hereafter acquire; also the bill to authorise the securities of Edward Griffin, late Sheriff of Martin county, to collect arrears of taxes; also the bill for the better regulation of the Courts of Pleas and Quarter Sessions in the county of Robeson, were read each the second and third times, passed and ordered to be enrolled.

The bill for the relief of Samuel Carter and Solomon Carter; also the bill altering the times of holding the elections in the counties of Warren, Nash and Franklin, were read each the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing of the assent of that House to ballot to-morrow morning for Brigadier General of the 2nd brigade.

The bill prescribing the duty of the committee of Finance, was read the third time, passed and ordered to be engrossed.

The bill to alter the name of John M. Williams, of Edgecomb county, and to legitimate him, was read the second and third times, passed and ordered to be engrossed.

Mr. W. W. Jones presented the petition of Jacob Heartman, of the town of Wilmington, praying that a certain sum of money be repaid to him, which he had expended on works of defence of the town of Wilmington on Clerks Island below the said town, in course of the late war. Ordered that the petition be referred to the committee of Claims.

The resolution for the purpose of raising a select committee to inquire into the expediency of repealing the general ticket law as respects the election of Electors to vote for President and Vice President of the United States, was read, and, on motion, postponed indefinitely.

The resolution appointing Joseph Ross Librarian to the State Library, was read and rejected.

The bill concerning the Superior and County Courts of Moore; also the bill to authorise the Person Library Company to sell or dispose of the books and property belonging to the said company, was read the second time and rejected.

The resolution requesting the Governor to make known to the Secretary of war, the desire of the Legislature of this State that a route of a Rail Road passing from Newbern through Raleigh and the central parts of the western country, be made by a corps of United States' Engineers, was read the first time. Mr. Cooper moved that the further consideration of the said resolution be postponed indefinitely. The question thereon was determined in the negative—yeas 46, nays 58. The yeas and nays called for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Adams, Baker, Ball, Barnard, Barnhardt, Battle, Boon, Boykin, W. A. Bozman, Burke, Burns, Bynum, Byrum, Cherry, Cooper, Davenport, Dickinson, Gary, Gillespie, Gilmore, Gold, Green, Harper, Hodges, Jackson, R. H. Jones, Leonard, M'Dearmid, Newland, Perry, Plummer, Roberts, Ruffin, Sharpe, Simmons, Speller, W. W. Stedman, Stephens, Stockard, Styron, Tillett, Underwood, R. Walker, H. Walker, Wilder, Wilkinson—46 yeas.

Those who voted in the negative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Benners, Blackwood, Borden, Brevard, Brittain, Busbee, J. Bozman, Clayton, Clement, Conrad, Donoho, Dozier, Eccles, Falls, Fisher, F. Foy, Glasgow, Ghsson, Gordon, Gaston, Hamp-



ton, Hardy, Hastings, Hill, Hough, Jasper, W. W. Jones, H. C. Jones, King, Lilly, Little, Love, Marshall, Montgomery, Moore, Morehead, M'Lean, M'Millan, Nelson, Neill, Purcell, Salmons, Scott, Seawell, Simpson, Smith, Spruill, Stewart, Summers, Taylor, Washington, Webb, White, Whitaker, A. Williams—58 nays.

The resolution was again read, and amended on the motion of Mr. Alexander, and put on its passage, and the question, shall the said resolution pass? was determined in the negative—yeas 50, nays 52. The yeas and nays called for by Mr. Lewis.

Those who voted in the affirmative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Benners, Blackwood, Borden, Brevard, Busbee, J. Bozman, Clayton, Clement, Conrad, Donoho, Eccles, Falls, Fisher, Glasgow, Glisson, Gordon, Gaston, Hampton, Hardy, Hill, Hough, Jasper, W. W. Jones, H. C. Jones, King, Lilly, Little, Love, Marshall, Montgomery, Moore, Morehead, M'Lean, M'Millan, Neill, Purcell, Salmons, Scott, Simpson, Smith, Spruill, Stewart, Summers, Washington, White, Whitaker, A. Williams—50 yeas.

Those who voted in the negative, are Messrs. Adams, Baker, Ball, Barnard, Barnhardt, Battle, Boon, Boykin, Burke, Burns, Bynum, Byrum, Cherry, Cooper, Davenport, Dickinson, Dozier, F. Foy, Gary, Gillispie, Gilmore, Gold, Green, Harper, Hastings, Hodges, Jackson, R. H. Jones, Leonard, Lewis, M'Dearmid, Nelson, Newland, Perry, Plummer, Roberts, Rufin, Seawell, Sharpe, Simmons, Speller, W. W. Stedman, Stephens, Stockard, Styron, Tillett, Underwood, R. Walker, H. Walker, Webb, Wilder, Wilkinson—52 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, JANUARY 3, 1828.

On motion of Mr. Gilmore,

*Resolved by the General Assembly of the State of North-Carolina,* That the Secretary of State be directed to issue to Matthew Pridgen, of the county of Bladen, a grant for one hundred and fifty acres of land, lying in said county, on an entry made by him in the Entry Taker's Office in said county, No. 200, the purchase money for which has already been paid.

On motion, ordered that the said resolution be engrossed and sent to the Senate.

On motion, ordered that Mr. Wilkinson, after this day, and Mr. Speller, Mr. Kilpatrick and Mr. Washington, after to-morrow, have leave of absence until the end of the Session.

A message from the Senate, informing that Mr. Beasley and Mr. Askew attend this House as a committee on their part to superintend the balloting for Brigadier General of the 2d brigade. On motion, ordered that the Senate be informed by message, that Mr. Smith and Mr. Hardy form the committee on the part of this House to superintend the balloting for Brigadier General of the 2d brigade.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for one trustee of the University; and informing that the names of J. J. Daniel, John C. Taylor, and Alfred M. Galling are withdrawn from the nomination.

Mr. Moore, from the Library committee, under direction of the committee, submitted the following resolution:

*Resolved,* That the chamber commonly known by the name of the Conference room be fitted up as a Library chamber under the direction of the Librarian, who shall draw on the Treasurer for the amount of expense attendant thereon, which shall be allowed the Treasurer in the settlement of his accounts.

The said resolution was read the first, second, and third times, passed and ordered to be engrossed.



A message from the Senate, consenting to ballot for a trustee of the University; and informing that Mr. Davenport and Mr. Neill form the committee on their part to superintend the balloting. On motion, ordered that the Senate be informed by message, that Mr. Scott and Mr. Bynum attend that House as a committee to superintend the balloting on the part of this House.

On motion of Mr. Seawell, who voted in the majority on the question of rejection of the resolution directing the Governor to request of the Secretary of War a corps of Engineers may be directed to survey a route for a rail road from Newbern through Raleigh and the central parts of the western counties, the House reconsidered that vote, and ordered the said resolution to be laid on the table.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill for the relief of Lewis Bond, late sheriff of Bertie; a bill to alter the name of Sidney Smith Gay and others, of the county of Wake, and to legitimate them; a bill to repeal an act of the Assembly, passed in 1820, entitled "an act directing the County Courts to pay fees to certain officers therein named and in certain cases," so far as respects the county of Randolph; a bill to revive and continue in force certain acts of Assembly therein named; a bill making it the duty of the field officers of the second regiment of Stokes county militia to convene their regiment in the centre of the district; also the engrossed resolution relative to the Public Treasurer; and the resolution in favor of the door-keepers; in which they ask the concurrence of this House.

Mr. Hardy, from the committee appointed to superintend the balloting for Brigadier General of the 2d brigade, reported that the committee had performed that duty; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot again immediately for Brigadier General of the 2d brigade. The message was concurred in, and the Senate informed by message that Mr. White and Mr. Gordon form the committee on the part of this House to superintend the balloting.

A message from the Senate, informing that Mr. Love of Richmond and Mr. Askew of Hertford attend this House as a committee on their part to superintend the balloting for the Brigadier General of the 2d brigade.

The bill for the relief of Lewis Bond, late sheriff of Bertie; also the bill to alter the name of Sidney Smith Gay and others, of the county of Wake, and to legitimate them; also the bill to repeal an act of the Assembly, passed in the year 1820, entitled "an act directing the County Courts to pay fees to certain officers therein named, and in certain cases," so far as respects the county of Randolph; also the resolution relative to the Public Treasurer, were respectively read the first time and passed.

The resolution in favor of the Door-keepers; also the resolution in favor of Calvin R. Blackman, sheriff of Wayne county, were read the second and third times and passed. Ordered that they be enrolled.

The bill regulating the time within which demand shall be made of the maker, and notice given to the endorser of a bill, bond or promissory note, was read the second time, amended and passed.

The bill to revive and continue in force certain acts of Assembly there-



in named, was read the first time, passed, and referred to the committee on Internal Improvements.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the bill to authorise the Public Treasurer to pay to John Gamble, late sheriff of Ashe county, the excess of taxes paid by him into the public Treasury in the year 1826, reported that the committee had considered the said bill, and instructed him to return it to the House, with a recommendation that it be rejected. The report was read and ordered to lie on the table.

The bill to regulate the payment of the salary of the Public Printer, and to prescribe the manner in which printing shall hereafter be done for the departments of this State, and for the preservation of the public buildings, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate by message, asking the concurrence of that House to the amendment.

Mr. Stewart presented a bill to alter the time of the meeting of the General Assembly. The said bill was read the first time and rejected.

The bill making it the duty of the field officers of the second regiment of Stokes county militia to convene their regiment in the centre of the district, was read the first time, and, on the motion of Mr. Salmons, rejected.

Mr. Bynum, from the committee appointed to superintend the balloting for one Trustee of the University, reported that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot again immediately for one Trustee of the University. The message was concurred in, and the Senate informed by message that Mr. H. C. Jones and Mr. W. W. Stedman attend that House as a committee to superintend the balloting on the part of this House; and informing that the name of John B. Eccles is withdrawn from the nomination.

A message from the Senate, informing that Mr. Ramsay and Mr. Askew of Hertford attend this House as a committee on their part to superintend the balloting for one Trustee of the University.

Mr. White, from the committee appointed to superintend the balloting for Brigadier General of the 2d brigade, reported that the committee had performed that duty; and that it appeared, on examining the ballots, a majority of the whole number was in favor of Thomas Marshall, who was duly elected. The report was concurred in.

Mr. Hill presented a bill to amend an act, passed in the year 1826, entitled "an act concerning the entry of land in this State." The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to appropriate six thousand two hundred and thirty-two dollars for the purpose of improving the navigation of the Cape Fear river below the town of Wilmington, and for other purposes; and also the engrossed bill prescribing the manner in which lands hereafter shall be advertised for sale for taxes in the county of Anson, with amendments in each, and asking the concurrence of this House. The amendments were separately read; concurred in, and the Senate informed thereof by message.



Mr. Newland, from the committee on Divorce and Alimony, reported unfavorably on the petitions of John Faust, John Pilcher, Martha Beasley and several others, praying for divorces, recommending their rejection. The report was read and concurred in.

The bill to provide for the gradual diminution of the capital stock of the Banks of this State, by the purchase and extinguishment of shares, was read the second time. Mr. Boon moved that the further consideration of said bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 72, nays 40. The yeas and nays called for by Mr. W. W. Stedman.

Those who voted in the affirmative, are Messrs. Baker, Ball, Barnard, Barnhardt, Battle, Blackledge, Boon, Boykin, W. A. Bozman, Burke, Busbee, Bynum, Byrum, Cherry, Clayton, Cooper, Davenport, Dickinson, Dozier, Falls, F. Foy, Gillespie, Gilmore, Glasgow, Gold, Green, Harper, Hastings, Hodges, Jackson, Jasper, Kerr, Kilpatrick, King, Lawson, Lilly, Mann, Marshall, Morehead, M'Dearmid, Nelson, Newland, Neill, Perry, Plummer, Pool, Riddick, Roberts, Ruffin, Seawell, Sharpe, Simmons, Simpson, Speller, W. W. Stedman, N. A. Stedman, Stephens, Stewart, Stockard, Styron, Thomas, Tillett, Troy, Underwood, Ward, R. Walker, H. Walker, Webb, White, Whitaker, Wilder, Wilkinson—72 yeas.

Those who voted in the negative, are Messrs. Alexander, Allen of Montgomery, Barnett, Bateman, Benners, Blackwood, Blount, Brevard, J. Bozman, Clement, Conrad, Donoho, Eccles, Fisher, Gary, Glisson, Gordon, Gaston, Hampton, Hardy, Hill, Hough, W. W. Jones, R. H. Jones, H. C. Jones, Lewis, Little, Mitchell, Montgomery, Moore, M'Lean, M'Millan, Purcell, Scott, Smith, Spruill, Taylor, Washington, Wheeler, A. Williams—40 nays.

The House then adjourned until 4 o'clock, P. M.

The engrossed bill for the relief of Lewis Bond, late Sheriff of Bertie, was read the second and third times, passed and ordered to be enrolled.

The resolution relative to the Public Treasurer, was read the second and third times, passed and ordered to be enrolled.

The bill to repeal an act of the Assembly, passed in 1820, entitled "an act directing the County Courts to pay fees to certain officers therein named, and in certain cases," so far as respects the county of Randolph; also the bill to amend an act, entitled "an act to amend an act laying duties on sales at auction of merchandise," were read the second and third times, passed and ordered to be engrossed.

The resolution in favor of Ichabod Wetmore, was read the second and third times, passed and ordered to be enrolled.

On motion, ordered that Mr. Borden have leave to withdraw from the files, the petition and documents attendant of Julia Ann Thompson; and that Mr. Gold have leave to withdraw from the files, the petition of Charles Lewis, of Rutherford.

The bill to cede to the United States a point of marsh on the south side of Neuse river, for the purpose of erecting thereon a light-house, was read the second and third times, passed and ordered to be engrossed.

The bill to erect an Arsenal on the south-west of the public square on which the capitol stands, was read the second and third times, and amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

Mr. Newland presented the following resolution:

*Resolved*, That Leonard Hese, of Burke county, be placed on the pension list of this State, and that the Public Treasurer pay him annually the sum of sixty dollars.

Ordered that the resolution be laid on the table.



The resolution in favor of the administrator of Thomas Elliott, a Mecklenburg county, was read the second and third times, passed and ordered to be enrolled.

The bill to alter the name of Sidney Smith Gay and others, of the county of Wake, and to legitimate them, was read the second time and rejected.

Mr. W. W. Stedman, from the committee appointed to superintend the balloting for one trustee of the University, reported that the committee had performed that duty; and that it appeared, on examining the ballots, Emanuel Shober had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

The bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage, was read the second time, amended and passed, and, on motion, ordered to be laid on the table.

Mr. M'Nair presented a bill to repeal the second, third and fourth sections of an act, passed at the last General Assembly, chapter 50th, entitled "an act concerning the swamp lands and marsh lands in this State, and for other purposes." The said bill was read the first time and rejected.

The bill prescribing the duties of Attornies in certain cases; also the bill to amend the 6th section of an act, passed in the year 1820, entitled "an act to provide for the payment of the civil list and contingent charges of government," were read the second time and rejected.

The bill giving dower to the widow in all cases, in which the husband might have claimed curtesy; also the bill concerning talis jurors, were read the second time, the former rejected, and the latter postponed indefinitely.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Leonard Hicks, praying to be placed on the pension list, reported unfavorably, recommending its rejection. Mr. Newland then called up the resolution, laid on the table for the purpose of placing the applicant on the pension list; which being read, was, on motion, postponed indefinitely, and the report concurred in.

Mr. Borden presented a bill fixing the pay of the members of the General Assembly; which was read the first time, and on the motion of Mr. Fisher, postponed indefinitely—yeas 94, nays 7. The yeas and nays called for by Mr. Borden.

Those who voted in the affirmative, are Messrs. Allen of Buncombe, Allen of Montgomery, Baker, Ball, Barnard, Barnett, Battle, Bateman, Benners, Blackledge, Blackwood, Blount, Boon, Boykin, Brevard, Brittain, Burke, Burns, Byrum, Cherry, Clayton, Clement, Conrad, Cooper, Davenport, Dickinson, Donoho, Dozier, Eccles, Falls, Fisher, F. Foy, Gary, Gillespie, Gilmore, Glasgow, Glisson, Gold, Gordon, Green, Gaston, Hampton, Harper, Hardy, Hastings, Hill, Hodges, Hough, Jackson, R. H. Jones, H. C. Jones, Kerr, King, Lawson, Leonard, Little, Love, Marshall, Montgomery, Moore, M'Dearmid, M'Lean, M'Millan, Nelson, Newland, Neill, Perry, Plummer, Pool, Purcell, Riddick, Roberts, Ruffin, Salmons, Scott, Seawell, Simmons, Simpson, Smith, Spruill, W. W. Stedman, N. A. Stedman, Stephens, Styron, Summers, Taylor, Thomas, Tillett, Underwood, H. Walker, Webb, White, Wilder, A. Williams—94 yeas.

Those who voted in the negative, are Messrs. Barnhardt, Borden, Busbee, Morehead, Washington, Wheeler, Whitaker—7 nays.

On motion of Mr. Hardy, ordered that he have leave to withdraw from the files the petition of Olly Greaves, together with the accompanying documents.

The House then adjourned until to-morrow morning, 10 o'clock.



FRIDAY, JANUARY 4, 1828.

On motion, ordered that Mr. King have leave of absence after to-morrow, until the end of the session.

On motion of Mr. Boykin,

*Resolved*, That the west room on the lower floor of the State House, opposite the Comptroller's office, be appropriated to the use of the Adjutant General as an office for the transacting and safe keeping the documents of that office.

Ordered that the said resolution be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed the engrossed resolution in favor of John Duckworth, and asking the concurrence of this House. The said resolution was read the first and second times, passed, and, on motion, ordered to be laid on the table.

A message from the Senate, informing of the agreement of that House with the amendment proposed by this House to the amendment made by the Senate in the engrossed bill to repeal part of an act, to build a new Court House in the county of Surry, and for other purposes, with an additional amendment; and further, of their agreement to the amendment made by this House in the engrossed bill to add all that part of the second regiment of militia of Burke county, lying south of the Catawba river in said county, to the first regiment, with an amendment, and asking the concurrence of this House; and informing further, that they agree to the several amendments made in the engrossed bill to amend an act, passed in the year 1777, entitled "An act to establish Courts of Law, and regulating the proceedings therein."

A message from the Senate, consenting to ballot this morning for Cavalry officers attached to the 15th brigade, and informing that Mr. Nuttall and Mr. Montgomery attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message, that Mr. Alexander and Mr. Newland attend the Senate, as a committee on the part of this House, to superintend the balloting.

On motion, ordered that Mr. Spruill have leave of absence from the service of this House, after to-morrow, until the end of the Session.

Mr. Bynum, from the committee of Claims. to whom was referred the petition of Jacob Hartman, of the town of Wilmington, reported that the committee had considered the said petition, and instructed him to recommend that it be rejected. The report was read and concurred in.

On motion of Mr. W. W. Jones,

*Resolved*, That the Clerks of the two Houses be directed to make up the estimates of allowance to the members and officers, to include Monday next.

Sent to the Senate for concurrence.

A message from the Senate, proposing to ballot this morning for Cavalry officers attached to the 5th brigade. The message was read and disagreed to, and the Senate informed thereof by message.

Received from the Senate, a resolution directing that the conveyances and powers of attorney from the widow, devisees and executors of the late John Haywood, taken by the Attorney General of this State, be registered and filed in the Treasury Office, &c. The said resolution was read, concurred in, and returned to the Senate.

The resolution in favor of John Duckworth, was read the third time, passed and ordered to be enrolled.

Mr. Gary, from the select committee, to whom was referred a resolu-



tion concerning the standard of measure, reported that the committee had, according to order, the said resolution under consideration, and instructed him to report a bill on the subject in addition to the acts relative to weights and measures, and to recommend its passage. The said bill was read the first, second and third times, passed and ordered to be engrossed.

The bill concerning the tax to be paid by persons peddling in certain waters, was read the first, second and third times, passed and ordered to be engrossed.

Mr. Jones, of Rowan, who voted in the majority on the rejection of the bill to alter the name of Sidney Smith Gay and others, of the county of Wake, and to legitimate them, moved that the House do now reconsider that vote. The question to concur with the motion, was determined in the negative.

On motion, ordered that the bill to amend an act, passed in the year 1777, entitled "An act to establish Courts of Law, and regulate the proceedings therein," be enrolled.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Lincoln county, on behalf of William Cline, reported that the committee had considered the said petition, and instructed him to recommend that it be rejected. The report was read and concurred in.

The bill to amend an act, passed in the year 1826, entitled "An act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians," was read the third time, amended, passed and ordered to be engrossed.

The bill supplemental to an act, for the improvement of the navigation of Perquimons river above Newby's bridge, passed in the year 1826, and for other purposes, was read the second and third times, amended, passed and ordered to be engrossed.

The bill to continue in force an act, passed in the year 1823, entitled "An act directing a Geological and Mineralogical survey to be made of the State of North Carolina," was read the second and third times, passed and ordered to be engrossed.

Mr. Alexander, from the committee appointed to conduct the balloting for Cavalry Officers attached to the 15th brigade, reported that the committee had performed that duty; and that it appeared, on examining the ballots, Benjamin S. Brittain as Colonel, William M'Gimsey as Lieutenant Colonel, and Benjamin Richards as Major, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The resolution requesting the Governor of the State to make known to the Secretary of War the desire of this Assembly to have made a survey of a route for a rail road passing from Newbern through Raleigh, and the central parts of the western counties, by a corps of United States' Engineers, was read the third time and amended, and, on motion of Mr. Burns, postponed indefinitely—yeas 64, nays 45. The yeas and nays called for by Mr. W. W. Stedman.

Those who voted in the affirmative, are Messrs. Adams, Baker, Ball, Barnard, Barnhardt, Battle, Barnett, Boon, Boykin, W. A. Bozman, Burke, Burns, Busbee, Bynum, Byrum, Cherry, Cooper, Davenport, Dozier, F. Foy, Gary, Gillespie, G.



more, Glasgow, Gold, Green, Hampton, Harper, Hastings, Hodges, Jackson, R. H. Jones, Kerr, Lawson, Leonard, Lewis, Mann, Marshall, Mitchell, M'Dearmid, Nelson, Newland, Neill, Perry, Plummer, Pool, Riddick, Roberts, Ruffin, Seawell, Sharpe, Simmons, W. W. Stedman, Stephens, Stockard, Tillett, Underwood, Ward, R. Walker, H. Walker, Webb, Wheeler, Whitaker, Wilder—64 yeas.

Those who voted in the negative, are Messrs. Alexander, Allen of Montgomery, Allen of Buncombe, Bateman, Benners, Blackledge, Blackwood, Borden, Brevard, Brittain, J. Bozman, Clayton, Conrad, Donoho, Eccles, Falls, Fisher, Glisson, Gordon, Gaston, Hardy, Hill, Hough, W. W. Jones, H. C. Jones, King, Lilly, Little, Love, Montgomery, Moore, Morehead, M'Lean, M'Millan, M'Nair, Scott, Simpson, Smith, Spruill, N. A. Stedman, Summers, Taylor, Thomas, Troy, A. Williams—45 nays.

The House then adjourned until 4 o'clock, P. M.

On motion of Mr. W. W. Jones, ordered that he have leave to withdraw the papers and documents from the files accompanying the petition of William Boylan.

On motion of Mr. Newland, ordered that he have leave to withdraw from the files the papers and documents attending the petition of Hugh Reed and Leonard Hise.

On motion of Mr. Wilder, ordered that he have leave to withdraw the papers accompanying the petition of Charles Copeland; and ordered further, that Mr. Alexander have leave to withdraw from the files the papers accompanying the petition of Henry Houston and Robert Robinson, and John Mulliwie.

The resolution for the relief of David Rogers, of Buncombe county, was read the third time and passed and ordered to be enrolled.

The resignation of Kinchen Q. Adams, justice of the peace for the county of Johnston, was read and accepted.

On motion of Mr. Donoho, ordered that he have leave to withdraw from the files the papers and documents relative to the Cherokee lands.

The bill to amend an act, passed in the year 1810, entitled "an act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this State,'" as relates to the Peedee and Yadkin rivers, was read the second time and passed.

The bill to amend the wreck laws of this State, so far as regards the districts in the county of Carteret, was read the second time and rejected.

The bill concerning the appointment of a keeper of the State House, and for the preservation of the Statue of Washington, was read the second and third times, amended, passed and ordered to be engrossed.

The bill to amend an act, passed in the year 1819, entitled "an act prescribing the manner of assessing lands in this State for taxation, was read the second time, and, on motion, indefinitely postponed.

The resolution requiring the Secretary of State to purchase stationary, was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Morehead, the House reconsidered the vote of rejection of the bill to amend the wreck laws of this State, so far as regards the districts in the county of Carteret. The said bill thereupon was read the second time and rejected.

The bill concerning the entry of lands covered by waters of the lakes of this State, was read the second and third times, passed and ordered to be engrossed.

The House then adjourned until to-morrow morning, 9 o'clock.



SATURDAY, JANUARY 5, 1828.

On motion, ordered that Mr. Ball, after this day, have leave of absence from the service of this House until the end of the session.

The bill prescribing the manner in which staves, heading and shingles shall hereafter be inspected; also the bill to prohibit vice and immorality at, and in the vicinity of the University, and for other purposes; also the bill to make provision for widows when they dissent from the wills of their husbands; also the bill to incorporate the North-Carolina institution for the instruction of the deaf and dumb, were read the second and third times and passed; and the bill to limit the appointment of Solicitor General and Solicitors to four years; and the bill making the endorser or endorsers of bonds and promissory notes liable as security or securities, were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

On motion of Mr. Donoho, ordered that a message be sent to the Senate, proposing to ballot for cavalry officers attached to the 16th brigade, and informing that Elijah Hester as Colonel, Samuel Mitchell as Lieutenant Colonel, and James W. Jones as Major, are in nomination.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to change the time of holding the Supreme Court of this State; also a bill to authorise the commissioners herein named to purchase a site for a new Court House in the county of Bladen, and for other purposes; also a bill concerning the wardens of the poor for the counties of Washington, Randolph and others; and a resolution in favor of Edward Griffin, late Sheriff of Martin county, and asking the concurrence of this House.

The bill to change the time of holding the Supreme Court of this State; also the bill concerning the wardens of the poor for the counties of Washington, Randolph and others; also the bill to authorise the commissioners herein named to purchase a site for a new Court House in the county of Bladen, and for other purposes, were read the first, second and third times, passed and ordered to be enrolled.

The bill for the relief of persons who have made entries of lands with entry takers, or who have had lands surveyed by surveyors who have not renewed their bonds agreeably to law; the bill to amend an act, passed in the year 1824, entitled "An act giving the assent of North Carolina to, and enforcing in this State certain acts of the General Assembly of the State of Tennessee, relating to the Smoky Mountain Turnpike Road;" the bill to compel the county trustee of each county to report the expenditures of the county, in the prosecution and punishment of insolvent offenders; and the bill to amend the different acts of the General Assembly concerning dower, were read the second and third times, passed and ordered to be enrolled.

The resolution appropriating three hundred and fifty dollars, to be laid out in the purchase of furniture for the Government House, was read the second and third times, amended, passed and ordered to be engrossed.

Mr. Busbee presented a resolution allowing Lawrence & Lemay five hundred and ninety-two dollars twenty-four and an half cents, for extra printing by order of the Legislature. The said resolution was read the first, second and third times, passed and ordered to be engrossed.

The bill to amend an act, passed in the year 1715, entitled "an act to



appoint public registers, and to direct the method to be observed in conveying of lands, goods and chattles, and for preventing fraudulent deeds and mortgages;" also the bill to amend an act, passed in the year 1823, entitled "an act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians," were read the second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that Mr. Nuttall and Mr. Vanhook attend this House as a committee on their part to superintend the balloting for Cavalry Officers attached to the 16th Brigade.

On motion, ordered that the Senate be informed by message, that Mr. Donoho and Mr. Jones of Rowan attend the Senate as a committee on the part of this House to superintend the balloting for the Cavalry Officers.

The bill to continue in force an act, passed at the last General Assembly, entitled "An act to revise and continue in force an act, passed in the year 1824, to alter and amend an act for the relief of such persons as became purchasers of the Cherokee Lands sold under authority of this State," was read the second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "An act to revise the militia laws of this State relative to the Infantry;" and to repeal the 9th and 10th sections of an act to amend the militia laws of this State; and the engrossed resolution in relation to the Library room; and informing that they concur in the amendment made by this House in the bill to erect an arsenal on the south west of the public square on which the capitol stands; and also in the amendments made in the bill to regulate the payment of the salary of the public printer, and to prescribe the manner in which printing shall hereafter be done for the Departments of this State, and for the preservation of the public buildings; and also in the amendments made in the bill to repeal the second section of an act, passed in the year 1801, so far as regards salvage. On motion, ordered that the said bills be enrolled.

The bill limiting attorneys' fees in certain cases, was read the first time, and, on motion, postponed indefinitely.

The bill concerning the registration of grants; also the bill to amend the 7th section of the act, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of government, " passed in 1822, were read the second time, the former postponed indefinitely, the latter rejected.

Mr. Jones, of Rowan, from the committee appointed to conduct the balloting for Cavalry Officers attached to the 16th brigade, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Elijah Hester as Colonel, Samuel Mitchell as Lieutenant Colonel, and James W. Jones as Major, had each a majority of the whole number, and were duly elected. The report was concurred in.

The bill giving to the Superior Courts of Law exclusive jurisdiction in all cases of divorce, was read the third time. Mr. Jones, of Warren, moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 20, nays 83. The yeas and nays called for by Mr. Jones, of Warren.

Those who voted in the affirmative, are Messrs. Brevard, Dickinson, Eccles, Gil-



Ilespie, Glasgow, Gold, Hough, W. W. Jones, R. H. Jones, Kerr, Mitchell, Montgomery, Neill, Ruffin, Sharpe, Spruill, W. W. Stedman, Taylor, Wadsworth, R. Walker—20 yeas.

Those who voted in the negative, are Messrs. Alexander, Allen of Buncombe, Allen of Montgomery, Baker, Ball, Barnard, Barnhardt, Barnett, Battle, Bateman, Benners, Blackwood, Boon, Borden, Boykin, W. A. Bozman, Burke, Burns, Busbee, Byrum, Cherry, Clement, Conrad, Cooper, Davenport, Donoho, Dozier, Falls, Fisher, F. Foy, Gary, Gilmore, Glisson, Gordon, Green, Gaston, Hampton, Harper, Hardy, Hastings, Hodges, Jackson, H. C. Jones, King, Lawson, Leonard, Lewis, Lilly, Little, Love, Mann, Marshall, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Newland, Perry, Plummer, Pool, Purcell, Roberts, Salmons, Seawell, Simmons, Simpson, Smith, N. A. Stedman, Stephens, Stockard, Summers, Thomas, Tillett, Troy, Underwood, H. Walker, Webb, Wheeler, Whitaker, Wilder, A. Williams—83 nays.

The said bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative—yeas 81, nays 23. The yeas and nays called for by Mr. Blackledge.

Those who voted in the affirmative, are Messrs. Allen of Buncombe, Allen of Montgomery, Baker, Ball, Barnard, Barnhardt, Barnett, Battle, Bateman, Benners, Blackledge, Blackwood, Boon, Borden, Boykin, Burke, Burns, Bynum, Byrum, J. Bozman, Cherry, Clement, Cooper, Davenport, Donoho, Dozier, Falls, Fisher, F. Foy, Gary, Gilmore, Glisson, Gordon, Green, Gaston, Hampton, Harper, Hardy, Hastings, Hodges, Hough, Jackson, H. C. Jones, Lawson, Lewis, Lilly, Little, Love, Marshall, Moore, Morehead, M'Dearmid, M'Lean, M'Millan, M'Nair, Perry, Plummer, Pool, Purcell, Roberts, Salmons, Seawell, Sharpe, Simpson, Smith, N. A. Stedman, Stephens, Stewart, Stockard, Summers, Thomas, Tillett, Troy, Underwood, Ward, H. Walker, Webb, Wheeler, Wilder, A. Williams—81 nays.

Those who voted in the negative, are Messrs. Blount, W. A. Bozman, Brevard, Conrad, Dickinson, Eccles, Gillespie, Glasgow, Gold, R. H. Jones, Kerr, Leonard, Mitchell, Montgomery, Neill, Ruffin, Simmons, Spruill, W. W. Stedman, Taylor, Wadsworth, R. Walker, Whitaker—23 nays.

Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until 3 o'clock, P. M.

A message from the Senate, informing that they had passed the engrossed bill to empower the overseers of bridges in the county of Craven to make contracts for the repairing or rebuilding of the same, and for other purposes, and asking the concurrence of this House; and insisting on their amendment to the amendment made by the House of Commons in the engrossed bill to repeal part of an act, passed in the year 1826, entitled "an act to build a new court house in the county of Surry, and for other purposes." On motion, the House receded from their amendment in the said bill, and the Senate were informed thereof by message.

The bill to empower the overseers of bridges in the county of Craven to make contracts for the repairing or the rebuilding of the same, and for other purposes, was read the first time and passed.

Received from the Senate, a resolution, approving of the account of Hutchins G. Burton, Governor, as guardian ex-officio of James Forsythe; which was read and concurred in.

A message from the Senate, informing that they had made an amendment in the bill relating to the towns of Newbern and Wilmington, and asking the concurrence of this House. The amendment was read and disagreed to, and the Senate informed thereof by message.

On motion, ordered that Mr. Walker, of Warren, after Monday, have leave of absence from the service of this House until the end of the session.



The bill relative to the sale of the estates of infants; also the resolution in favor of Parham, Kirk, Sheriff of Montgomery county; also the resolution relative to procuring iron backs for the fire places in the Senate Chamber and Commons Hall, were read the second and third times, passed and ordered to be enrolled.

The bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly; and the bill to extend the provisions of an act, passed in the year 1823, entitled "an act granting further time to perfect titles to lands within this State, were read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill for the relief of Samuel Carter and Solomon Carter with amendments; and also that they agree to the amendment made by this House in the engrossed bill to revive and continue in force certain acts of Assembly therein named, with an amendment; and asking the concurrence of this House. The amendment was concurred in, and the Senate informed thereof by message.

The bill to amend an act, passed in the year 1810, entitled "an act to amend an act, passed in the year 1809, entitled 'an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this State,'" as relates to the Peedee and Yadkin rivers, was read the third time, passed and ordered to be enrolled.

The bill to provide more effectually for the representation of the stock of the State held in the Bank of North-Carolina, was read the second and third times, passed and ordered to be enrolled; also the bill for revising, digesting and amending the law relative to executors and administrators, were read the second and third times, passed and ordered to be engrossed.

The resolution received from the Senate, requesting the Governor to obtain and report to the next Legislature the most approved plan for a Penitentiary separately, and in connexion with an asylum for idiots and lunatics, &c. was read and concurred in, and returned to the Senate.

The resolution in relation to the public well, was read the second and third times, passed and ordered to be engrossed.

Mr. Burns presented the following resolution:

*Resolved*, That the board of Internal Improvements be, and they are hereby authorised from time to time to cause such and so many examinations and surveys to be made as they deem expedient and proper.

The said resolution was read and rejected.

A message from the Senate, informing that they agree to the amendments made by this House in the bill for the relief of Clerks of Courts and Clerks and Masters in Equity; and in the bill, entitled "a bill supplementary to the acts relative to the power of Courts of Equity in cases of partition." Ordered that the said bills be enrolled.

A message from the Senate, proposing that the message of his excellency the Governor, together with the report of the President and Directors of the Literary Fund, herewith sent, be printed, three copies for each member of the Assembly. The said message was read and concurred in.

The resolution in favor of Edward Griffin, late sheriff of Martin county, was read the third time and passed—yeas 54, nays 31. The yeas and nays called for by Mr. Brittain.



Those who voted in the affirmative, are Messrs. Alexander, Allen of Montgomery, Baker, Battle, Blackwood, Blount, Borden, Boykin, W. A. Bozman, Burke, Byrum, Clement, Davenport, Dickinson, Donoho, Dozier, Eccles, Falls, Fisher, Gary, Glasgow, Glisson, Gold, Gordon, Hampton, Hardy, Hastings, Hough, Jackson, H. C. Jones, Kerr, Lilly, Little, Love, Mann, Marshall, Montgomery, Moore, M'Nair, Neill, Perry, Plummer, Pool, Riddick, Roberts, Ruffin, Simmons, Simpson, Stewart, Summers, Taylor, Tillett, Troy, Wilder—54 yeas.

Those who voted in the negative, are Messrs. Allen of Buncombe, Barnard, Barnhardt, Benners, Boon, Brittain, Busbee, Clayton, Conrad, Cooper, F. Foy, Gilmore, Green, Hodges, R. H. Jones, Mitchell, Morehead, M'Dearmid, M'Millan, Purcell, Sharpe, W. W. Stedman, N. A. Stedman, Stephens, Stockard, Underwood, Ward, H. Walker, Webb, Whitaker, A. Williams—31 nays.

Ordered that the said resolution be enrolled.

A message from the Senate, informing that they recede from their amendment to the engrossed bill for the better regulation of the towns of Newbern and Wilmington; and informing that they have rejected the bill for the draining of Mattamuskeet Lake; and the resolution concerning the Adjutant General's Office. Ordered that the bill for the better regulation of the towns of Newbern and Wilmington be enrolled.

A message from the Senate, informing that they had passed the engrossed bill regulating the time within which demand shall be made of the maker, and notice given to the endorser of a bill, bond or promissory note, with an amendment. The amendment was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill giving the Superior Courts of Law exclusive jurisdiction in all cases of divorce, with an amendment. The amendment was read and disagreed to, and the Senate informed thereof by message; and also informing that they had passed the engrossed bill to authorise the President and Directors of the Literary Fund to employ a Clerk. The said bill was read the first time and rejected.

The House then adjourned until Monday, 7 o'clock, A. M.

#### MONDAY, JANUARY 7, 1828.

A message from the Senate, informing that they had rejected the engrossed bill, entitled "A bill for revising, digesting and amending the law relative to executors and administrators;" and postponed indefinitely the bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly; and informing further, they insist on their amendment to the engrossed bill giving the Superior Courts of Law exclusive jurisdiction in all cases of divorce. The said amendment was read, and the Senate informed by message, that this House do insist on the said amendment.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Lawrence & Lemay, with an amendment, and asking the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed resolution requiring the Adjutant General to take care of the public arms due from the General Government; and also the engrossed bill concerning the claim of the State on the estate of the late Treasurer and his securities; and asking the concurrence of this House. The said bill was read the first time and rejected; and the resolution read the first, second and third times, passed and ordered to be enrolled.



A message from the Senate, informing that they recede from their amendment to the bill giving the Superior Courts of Law exclusive jurisdiction in all cases of divorce. On motion, ordered that the said bill be enrolled.

Received from the Senate, a resolution constituting the Governor, Secretary of State and the Treasurer a Board to settle the expenses attendant the reception of General Lafayette, and make report to the next Legislature. The resolution was read, concurred in and returned to the Senate.

Received from the Senate, a resolution authorising the Governor to draw on the Public Treasurer for any sum of money as may be necessary for making surveys of the land belonging to the late John Haywood, &c. &c. The said resolution was read, concurred in and returned to the Senate.

Received from the Senate, the report of the committee of Finance on several subjects; which was read, concurred in and returned to the Senate.

The bill to amend an act, passed in the year 1826, entitled "an act concerning the entry of land in this State;" also the bill to empower the overseers of bridges in the county of Craven to make contracts for the repairing or rebuilding of the same, and for other purposes; also the bill to prevent the importation of slaves into this State, were severally read, and, on motion, postponed indefinitely.

The report on the petition of Robert Robinson, of Mecklenburg county; also the report of the committee on Divorce and Alimony on the case of William Roberts, of Buncombe county; also a bill to establish the district of Forsythe for the purpose of holding Courts of Pleas and Quarter Sessions within the same; also the report of the committee on the petition of Henry Houston, of Mecklenburg county; also the report of the committee of Claims on the petition of Thomas Sharpe; also the report of the committee on the Judiciary on the bill to repeal the several laws relative to the inspection of produce, were severally read, and, on motion, ordered to lie on the table without day.

The bill concerning the number of Justices required on the removal of certain officers; also the bill concerning the appointment of Clerks of the Superior Courts and Clerks and Masters in Equity, were read, and, on motion, postponed indefinitely.

The resolution directing the Board of Internal Improvements to cause a survey to be made of a route for a rail road from some point on the Yadkin river above the Narrows to the town of Fayetteville, &c. was read, and, on motion, postponed indefinitely.

The report on the Literary Fund, was read, and, on motion, unanimously rejected.

On motion of Mr. Jones, of Warren, ordered that a message be sent to the Senate, informing of the readiness of this House to adjourn without day.

A message from the Senate, informing of their readiness to adjourn *sine die*.

Whereupon, on the motion of Mr. Glisson,

*Resolved unanimously*, That the thanks of this House be presented to the honorable



Thomas Settle, Speaker, for the able, impartial and dignified manner in which he has discharged the duties of the Chair.

The Speaker thereupon made his acknowledgments to the House, and adjourned it without day.

THOS. SETTLE, S. H. C.

By order.

P. HENDERSON, *Clk.*







